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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18351-18400

[Approved by the Secretary of Agriculture, Washington, D. C., January 22, 1932]

18351. Misbranding of Dr. Livingston's Special Invigorator. U. S. v. 19 Bottles of Dr. Livingston's Special Invigorator. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26219. I. S. No. 27537. S. No. 4441.)

Examination of a drug product, known as Dr. Livingston's Special Invigorator, from the shipment herein described having shown that the bottle label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that the article contained a larger proportion of alcohol than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On April 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 bottles of the said Dr. Livingston's Special Invigorator, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Search Warrant Liniment Co., from Griffin, Ga., on or about May 1, 1930, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt (6.5 grams per 100 milliliters), extracts of plant drugs including senna, alcohol (15.2 per cent by volume), sugar, and water.

It was alleged in the libel that the article was misbranded in that the statement on the bottle label, "Guaranteed under the Food and Drugs Act, June 30, 1906, No. 10,409," was false and misleading. Misbranding was alleged for the further reason that the bottle label failed to bear a statement of the quantity or proportion of alcohol contained in the article, since the quantity stated, namely, "2 per cent Pure Alcohol," was incorrect. Misbranding was alleged for the further reason that the following statements appearing on the bottle label, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Dr. Livingston's Special Invigorator, The Great Vitalizer and Nerve Tonic, Nature's wonderful aid to suffering humanity. To build and tone up male or female. It Has No Equal."

On May 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18352. Misbranding of Jones' Liniment. U. S. v. 36 Bottles of Jones' Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26123. I. S. No. 27530. S. No. 4434.)

Examination of a drug product, known as Jones' liniment, having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which

it did not possess, the Secretary of Agriculture reported to the United States attorney for the Southern District of Florida the shipment herein described, involving a quantity of the product at Tampa, Fla.

On April 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 bottles of Jones' liniment, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by M. Spiegel & Sons (Inc.), from Albany, N. Y., on or about January 31, 1931, and had been transported from the State of New York into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a petroleum product such as kerosene, capsicum oleoresin, and volatile oils such as methyl salicylate, camphor oil, mustard oil, and an oil similar to turpentine oil.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels and in the accompanying circular, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Rheumatic Pains, Neuralgia, Sore Throat and Quinsy, Headache (Nervous) * * * Backache * * * Lameness, Chilblains * * * It is good for Rheumatism, Lumbago, Neuralgia, Colic and Cramps, Headache, Earache, Cold in the Chest and Lungs, * * * Gout, Sore Throat, * * * Aching Feet, Inflammation * * * A pain killer that will relieve these afflictions is an absolute necessity to everybody. It is the best safeguard against suffering from Accidents * * * If after using it a few times the pains are still lingering, apply to the affected part a cloth wrung in hot water and afterwards the Liniment is applied until relief is experienced;" (bottle) "For * * * Rheumatism, Neuralgia, Headache, Backache * * * Lameness, Bunions, Chilblains, Colic and All Bodily Pains. * * * This Liniment is used for strengthening weak back or limbs, and healing bodily pains and inflammations. * * * In protracted pain a cloth moistened with the Liniment may be applied until relief is experienced;" (circular) "For Rheumatic and other pains in the joints, lower limbs or hips, apply Jones' Liniment * * * Apply a cloth saturated with the Liniment to reduce inflammation and swelling. * * * For Backache, pains in the sides, shoulders, stiff neck and joints, apply the Liniment * * * For Neuralgia in the head, keep the temples bound up with a linen cloth saturated with Jones' Liniment, and apply it to the back of the neck and ears. * * * For Nervous Headache, apply Jones' Liniment to the forehead, back of the neck, behind the ears, and inhale the fumes. For Sciatica, * * * For Sore Throat and Quinsy * * * For Earache, * * * For * * * Swellings * * * For Pains in Chest and Lungs * * * For Bunions * * * For Corns * * * For * * * weak Joints and Ankles * * * For Colic, Cramps, Cholera Morbus and other internal pains * * * swellings, cracked heels * * * scratches, cramps or contraction of the muscles, sore throat, colic, distemper, epizootic * * * and other diseases that can be reached by external application * * * For the Flu, Cough * * * Bronchitis * * * will * * * relieve * * * catarrhal conditions."

On May 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18353. Adulteration and misbranding of Cato Anti-Pyorrhea tooth paste.
U. S. v. 3½ Dozen Tubes of Cato Anti-Pyorrhea Tooth Paste.
Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 25759. I. S. No. 8139. S. No. 3983.)

Examination of the composition and labeling of the drug product herein described having shown that it was represented to be an antiseptic and germicide, whereas it was not, also that the labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3½ dozen tubes of Cato Anti-Pyorrhea tooth paste at Memphis,

Tenn., alleging that the article had been shipped by the Cato Chemical Co., from St. Louis, Mo., on or about January 13, 1930, and had been transported from the State of Missouri into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, potassium chlorate, talc, a small proportion of a magnesium compound, such as magnesium carbonate, incorporated in a vehicle so as to form a paste, flavored with volatile oils including peppermint oil.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Germicide, Antiseptic," and the strength of the article fell below such professed standard, since it was not an antiseptic.

Misbranding was alleged for the reason that the statements on the tube and carton, "Antiseptic, * * * All diseases the Human System is heir to are caused by germs or microbes. Cato Anti-Pyorrhea Tooth Paste is a Germicide, Antiseptic," were false and misleading when applied to an article which was not antiseptic. Misbranding was alleged for the further reason that the following statements appearing on the carton and tube, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Anti-Pyorrhea * * * For Sore and Bleeding Gums or any Pathological condition of the Mouth. To prevent a healthy mouth from becoming infected;" (tube) "Anti-Pyorrhea * * * especially designed for (Pyorrhea) Gums. To harden sore, soft, spongy and bleeding gums and protect a healthy mouth from becoming infected."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18354. Misbranding and alleged adulteration of Le Sieur's syrup of tar and cod-liver extract. U. S. v. 10 Dozen Bottles of Le Sieur's Syrup of Tar and Cod Liver Extract. Default decree of condemnation and destruction. (F. & D. No 25253. I. S. No. 3127. S. No. 3440.)

Examination of a sample of the drug product herein described having shown that it was worthless as a source of the vitamins of cod-liver oil, and that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Hampshire.

On November 5, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 dozen bottles of Le Sieur's syrup of tar and cod-liver extract, remaining in the original unbroken packages at Berlin, N. H., alleging that the article had been shipped by the Nemock Specialty Co., from Somerville, Mass., on or about December 30, 1929, and had been transported from the State of Massachusetts into the State of New Hampshire, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of chloroform, tar, menthol, a trace of an oily substance with a fishy odor, sugar, alcohol, and water. Biological examination showed that the article was worthless as a source of cod-liver-oil vitamins.

It was alleged in the libel that the article was adulterated in that its strength fell below the following standard under which it was sold: (Carton) "Cod Liver Extract * * * Each Fluid Ounce contains * * * Tasteless Extract of Cod Liver * * * [in English and French] this syrup contains the active principles of * * * cod liver extract;" (bottle, in English and French) "Cod Liver Extract."

Misbranding was alleged for the reason that the statements appearing on the bottle and carton labels, as above quoted, were false and misleading, since the article was worthless as a source of the vitamins of cod-liver oil. Misbranding was alleged for the further reason that the following statements in English and French, regarding the curative and therapeutic effects of the said articles, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Coughs * * *

Bronchitis, Catarrh, Whooping Cough, Croup, Asthma, Etc. * * * For Catarrh * * * Little doses taken morning and evening will protect children apt to contract coughs;" (carton) "Coughs * * * Bronchitis, Catarrh, Whooping Cough, Croup and Asthma."

On April 2, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be condemned and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18355. Adulteration and misbranding of ether. U. S. v. 90 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25992. I. S. No. 28452. S. No. 4229.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On March 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 90 cans of ether, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Merck & Co. (Inc.), from Rahway, N. J., on or about January 20, 1931, and had been transported from the State of New Jersey into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anaesthesia, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia.

Misbranding was alleged for the reason that the statement on the can label, "Ether for Anaesthesia, U. S. P.," was false and misleading when applied to ether falling below the pharmacopoeial requirements.

On April 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18356. Misbranding of Septigyn tablets. U. S. v. 45 Packages of Septigyn Tablets. Default decree of condemnation and destruction. F. & D. No. 25991. I. S. No. 14245. S. No. 4225.)

Examination of a drug product, known as Septigyn tablets, from the shipment herein described having shown that the carton label and the accompanying booklet bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On or about March 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 packages of Septigyn tablets at Wichita, Kans., alleging that the article had been shipped by the N & S Co., from Dallas, Tex., on or about November 29, 1930, and had been transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc phenolsulphonate (48.8 per cent), sodium phenolsulphonate (21.4 per cent), copper phenolsulphonate (3.3 per cent), sodium sulphate (18.7 per cent), talc (5.3 per cent), and milk sugar.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the carton and in the accompanying booklet, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "A safe cleanser for Diseases Peculiar to Women;" (booklet) "A safe, Sure and Speedy Remedy for Diseases Peculiar to Women * * * a safe and certain preventative of disease. * * * Not a Single Failure. * * * Septigyn is the quickest and best known remedy for gonorrhea in both male and female. We guarantee it to prevent the contraction of gonorrhea if used a few minutes before sexual intercourse. * * * Directions * * * For all diseases of the generative tract such as leucorrhea, falling of the womb, adhesions, cervical lacerations, ovarian affections, menstrual derangements. * * * For the relief and cure of gonorrhea in the female. * * * For the prevention of specific and in-

fections venereal diseases, gonorrhea, chaneroidal ulcers and syphilis * * * Diseases and Disorders Peculiar to Women That Are Relieved by Septigyn * * * There is a tragic list of diseases from which women alone may suffer. * * * Ninety-nine out of a hundred women are afflicted with some of these complaints * * * Septigyn * * * enables the patient to treat herself * * * The relaxed muscles, diseased nervous system and the impoverished blood are not likely to get back to their normal condition without aid. This can be most conveniently and inexpensively administered by using Septigyn. * * * Septigyn Relieves general weakness, dispels gloom, depression and despondency. Builds up the weak and exhausted system. Changes lassitude and weakness to vigor. Improve the digestion and appetite. Strengthens and hardens the muscles. Tones the system and purifies the blood * * * Arrests involuntary loss of vitality. Brings sound and restful sleep. Strengthens the muscular and nerve centers. Supplies power and creates blood. Tones the relaxed and weakened parts. It is Nature's remedy, naturally applied. Suppressed Menstruation * * * Unless corrected it is almost certain to end in death. Sometimes the sufferer becomes insane, but more frequently falls into decline and dies of consumption. * * * Septigyn will correct this condition and reestablish the regular menstrual flow. Flooding * * * the remedial endeavor is to strengthen and tone up the organs by proper nourishment, which Septigyn supplies, * * * Painful Menstruation * * * Septigyn, by strengthening the muscular and nerve centers, entirely removes the condition responsible for this harassing disease, and restores the sufferer quickly to health. Leucorrhoea or Whites. * * * Septigyn arrests the loss of vitality, tones the system and purifies the blood and restores all her old-time vivacity to the sufferer. * * * Laceration of The Cervix * * * Septigyn Removes this scar tissue by absorption. * * * Chronic Inflammation and Ulceration * * * Pruritis * * * Ovarian Disorders * * * Displacements * * * If the use of Septigyn is persistently followed, the results are always certain. Antiversion * * * Use Septigyn at bedtime every second night. Results are sure. Retroversion * * * Prolapsus or Falling of the Womb * * * Change of Life * * * Septigyn invigorates and at the same time soothes the delicate organs that are undergoing a great transformation, relieves the suffering, makes this period of shorter duration and mitigates its danger."

On May 18, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18357. Misbranding of Painallay. U. S. v. 10 Large Bottles, et al., of Painallay. Default decree of condemnation and destruction. (F. & D. No. 25978. I. S. Nos. 14246, 14247. S. No. 4224.)

Examination of a drug product, known as Painallay, from the shipment herein described having shown that the bottle label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On March 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 large bottles and 22 small bottles of Painallay at Wichita, Kans., alleging that the article had been shipped by the Painallay Co., from Kansas City, Mo., on or about January 8, 1931, and had been transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of small proportions of a phenolic compound such as cresol, a benzyl compound, and glycerin dissolved in water (98 per cent).

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Painallay * * * for Mouth and Throat * * * Relieves Pain * * * Beneficial in the treatment of * * * Pyorrhea, Trench Mouth or Vincent's, Tonsilitis, etc. * * * For all mouth and throat infections * * * Painallay is exceedingly beneficial in the treatment of the following and other infections to give relief from pain * * * Pyorrhea and

Inflamed Gums * * * Vincent's or Trench Mouth * * * continue indefinitely even after case seems apparently cured * * * and keep out infection * * * beneficially efficient in the treatment of Mouth and Throat infections and as a general prophylactic."

On May 18, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18358. Adulteration and misbranding of ether. U. S. v. 40 Half-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25948. I. S. No. 20616. S. No. 4204.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Indiana.

On February 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 half-pound cans of ether, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by Merck & Co., from St. Louis, Mo., on or about November 26, 1930, and had been transported from the State of Missouri into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia," was false and misleading.

On May 4, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18359. Misbranding of International roup powder, International distemper medicine, International heave powder, and International chicken cholera medicine. U. S. v. 4 Boxes of International Roup Powder, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25920, 25921, 25922, 25923. I. S. Nos. 8152, 8153, 8154, 8155. S. Nos. 4136, 4137, 4138, 4147.)

Examination of the drug products from the shipments herein described having shown that the labeling bore statements representing that the articles possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On February 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 4 boxes of International roup powder, 9 packages of International distemper medicine, 22 packages of International heave powder, and 9 bottles of International chicken cholera medicine at Memphis, Tenn., alleging that the articles had been shipped by the International Stock Food Co., from Minneapolis, Minn., in various consignments on or about September 14, 1929, February 20, 1930, and November 6, 1930, and had been transported from the State of Minnesota into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the International distemper medicine consisted essentially of iron oxide, iron sulphate, potassium chlorate, sodium chloride, calcium carbonate, magnesium carbonate, traces of charcoal and alkaloids, and plant material including the screenings from grain; the International heave powder consisted essentially of iron oxide, sodium bicarbonate, phosphates, and plant material including nux vomica and wheat middlings; the International roup powder consisted essentially of copper sulphate and potassium permanganate; and the International chicken cholera medicine consisted essentially of lime-sulphur solution.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling, regarding the curative and

therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Roup powder, package) "Roup * * * For Roup dissolve one teaspoonful of the powder in one gallon of water and give to the poultry in place of drinking water. * * * If the bird has become so seriously afflicted that it cannot see to drink, bathe its head with a warm solution of the above strength. For colds and as a preventive measure dissolve one-half teaspoonful in a gallon of water and allow the fowls to drink at will, * * * For Canker—wet the end of a blunt stick, dip in the powder and apply to canker. This will help relieve a bad case in a few days;" (distemper medicine, package) "Distemper Medicine Recommended for Colds, Coughs and Distemper * * * It is strongly recommended by us for Coughs, Colds, Distemper or Influenza. All we ask is that you give International Distemper Medicine a thorough trial, following the directions, and we guarantee satisfactory results. * * * The dose of International Distemper Medicine is One Tablespoon every Two Hours, in severe cases, and One Tablespoon, Three Times a Day, in an ordinary cold or cough. The frequency of the dose must be determined largely by the severity of the case. * * * especially in Distemper, * * * In the treatment of Distemper, * * * In severe cases see that the patient gets One Tablespoon of International Distemper Medicine every two hours, * * * International Distemper Medicine given as directed, no difficulty ought to be experienced in overcoming the disease. * * * This box of International Distemper Medicine is sold under a spot-cash guarantee to prove satisfactory;" (heave powder, package) "[Picture of horse showing symptoms of heaves] Heave * * * To Help Relieve Heaves, Asthma, Broken Wind, Coughs and Other Similar Affections of the Bronchial Organs. * * * Heave Remedy * * * It not only helps relieve heaves * * * will help invigorate and strengthen a 'run down' horse. Try a box for that horse with the heaves. * * * Increase the quantity of grain feed and give one tablespoonful of 'International Heave Remedy' mixed with the grain, three times per day. In some very bad cases of heaves, it may be best to give two tablespoonfuls, three times per day, for three or four days, and then reduce to one tablespoonful as specified in above directions. Follow these same general directions when using for asthma, broken wind, coughs, etc. * * * large majority of cases, one box of 'International Heave Remedy' will help give relief. In some very bad cases, it may take three to six boxes or more because some horses become so badly diseased that they will require a much longer treatment than those not so badly affected. The use of one box should show some results. All horses are not affected alike, and some will require a longer treatment than others. * * * Remember that after your horse is relieved, * * * You can relieve a person of a 'cold' but that does not prove that that same person will never take a 'cold' again. Relieving your horse does not prove that he will never have the heaves again. * * * We bought the formula from which 'International Heave Remedy' is prepared, from a prominent Veterinary Surgeon who had used it in his practice for over eighteen years, in the treatment of Heaves, Broken Wind, Asthma, and other similar diseases caused by lesion of the pneumogastric nerves and branches to the bronchial tubes. It will also aid digestion, and invigorate and strengthen the entire system;" (chicken cholera medicine) "Chicken Cholera Medicine * * * As a preventative medicine, 2 teaspoonfuls added to ½ gallon of drinking water each day will assist in preventing the appearance of this disease."

On May 12, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18360. Adulteration and misbranding of Mistol. U. S. v. 384 Bottles of Mistol. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25893. I. S. No. 5740. S. No. 4044.)

Examination of a drug product, known as Mistol, showed that the carton and bottle labels and accompanying circulars bore statements in Spanish representing that the article possessed curative and therapeutic properties which it did not possess. A portion of the article was represented to be antiseptic, whereas it was not, and the remainder purported to prevent the reproduction of germs, whereas it would not.

On or about February 19, 1931, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 384 bottles of Mistol at Puerta de Tierra, P. R., alleging that the article was in possession of the West India Oil Co., Puerta de Tierra, P. R., and was being sold and offered for sale in Porto Rico, and charging adulteration and misbranding with respect to a portion, and misbranding with respect to the remainder, in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral oil containing small proportions of menthol, camphor, eucalyptol, and chlorbutanol. Bacteriological examination showed that the article was not antiseptic.

Adulteration was alleged in the libel with respect to a portion of the article for the reason that it fell below the professed standard of strength stated on the bottle label and circular, namely, (in Spanish) "Antiseptic."

Misbranding was alleged with respect to the said portion of the article for the reason that the statement "Antiseptic," appearing in Spanish on the bottle label and in the circular, was false and misleading. Misbranding was alleged with respect to the said portion for the further reason that certain statements appearing in Spanish on the carton and bottle labels and in the circular, of which the following is a translation, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For the Nose and Throat. * * * For Cough * * * Nasal Catarrh, Laryngitis, Bronchitis, Hoarseness;" (bottle) "For the Nose and Throat. For Coughs, * * * Nasal Catarrh, Laryngitis, Bronchitis, Hoarseness. It helps to alleviate * * * intermittent fevers;" (circular) "Many of these germs * * * deposit themselves in the delicate and humid membranes with which the nose and throat are covered, and are the cause of cough, catarrhs and other more serious diseases. In these cases, as a means of prevention and alleviation, the efficacy and value of Mistol is proven for the care of the Nose and Throat. Cough and Catarrhs * * * helps to avoid new infections. * * * Nasal Catarrh. * * * for the nose and throat is particularly adapted for the treatment of the catarrhal conditions of the mucous membranes of the throat. The excessive secretion of irritating mucosities accompanied by chronic inflammation is one of the most common diseases and at the same time very troublesome. Catarrhal Fevers * * * Mistol is extensively used for preventing the repeated attacks of catarrhal fevers * * * For the general affections of the nose and throat, it is more efficacious when applied directly into the nose * * * and as a gargle. Laryngitis, Bronchitis, Hoarseness, etc. Many cases of Laryngitis, irritation or inflammation of the tonsils or even of laryngitis are due to the fact that the nasal conduits do not function well. Mistol is used for avoiding and for helping to remedy this condition. For alleviating the cough, sore throat, hoarseness * * * It will be noticed that its effects are rapid and efficacious. For Avoiding Contagious Diseases. The germs of contagious diseases may be transmitted from one person to another, even in cases where the person which carries them has not been attacked in form. When the vital strength is exhausted or during epidemics, when there is the danger of absorbing a large number of virulent germs, Mistol is a great help to Nature for avoiding and combatting the diseases. * * * In the treatment of Asthmatic affections * * * is efficacious in the treatment of cough and catarrhs in children." Misbranding was alleged with respect to the remainder of the article for the reason that the statement appearing in the circular in Spanish, "Its ingredients * * * prevent the reproduction of the germs," was false and misleading; and for the further reason that the following statements appearing in Spanish in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For the Nose and Throat * * * Nasal Catarrhs, Coughs, Laryngitis, Bronchitis, Hoarseness. Of great help in cases of acute attacks of Asthma and Catarrhal Fever;" (bottle) "For the Nose and Throat. * * * For coughs * * * nasal catarrhs, laryngitis, bronchitis, hoarseness. * * * Clear the nasal cavities;" (circular) "For the treatment of diseases of the Nose and Throat. * * * For * * * hay fever, catarrh, and other nasal affections. * * * For Quinsy * * * Laryngitis, Etc.: To cure these affections use Mistol as a gargle and also through the nose. * * * For Bronchial and Asthmatic Affections: For treating profound irritations of the

Bronchial Tubes, Asthma, etc., use Mistol. * * * Use it continuously in order to prevent and cure diseases * * * of the nose and throat. * * * Persons suffering from chronic nasal catarrhs * * * For children of any age. Mistol possesses great value for treating * * * coughs."

On May 9, 1931, the West India Oil Co., Puerta de Tierra, P. R., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled and should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act as amended.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18361. Misbranding of solution citrate of magnesia. U. S. v. 270 Dozen Bottles of Solution Citrate of Magnesia. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25994. I. S. No. 27108. S. No. 4267.)

Sample bottles of solution of citrate of magnesia from the shipment herein described having been found to contain less than the volume declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Texas.

On April 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 270 dozen bottles of solution citrate of magnesia, remaining in the original unbroken packages at Dallas, Tex., alleging that the article had been shipped by the National Magnesia Co., Brooklyn, N. Y., on or about August 2, 1930, and had been transported from the State of New York into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Blown in bottle) "Solution Citrate Magnesia U. S. P.;" (bottle cap) "Contents Approx. 11½ oz."

It was alleged in the libel that the article was misbranded in that the statement on the bottle cap, "Contents Approx. 11½ oz.," was false and misleading.

On May 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18362. Adulteration and misbranding of Good Samaritan ointment. U. S. v. 21 Packages of Good Samaritan Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26061. I. S. No. 27880. S. No. 4332.)

Examination of a drug product, known as Good Samaritan ointment, from the shipment herein described having shown that it was represented to be antiseptic, whereas it was not, also that the labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On March 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 packages of Good Samaritan ointment, remaining in the original unbroken packages at Wilmington, Del., consigned about January 20, 1931, alleging that the article had been shipped by the Good Samaritan Ointment Co., from Philadelphia, Pa., and had been transported from the State of Pennsylvania into the State of Delaware, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of lead carbonate, fatty oils, wax, and traces of volatile oils including methyl salicylate. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it fell below the professed standard of strength under which it was sold, namely "Antiseptic."

Misbranding was alleged for the reason that the statement on the carton and can label and in the circular, "Antiseptic," was false and misleading, when applied to an article which was not antiseptic. Misbranding was alleged for the further reason that the following statements on the can label and in the accompanying circular, regarding the curative or therapeutic effects of

the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Can) "Surface Wounds such as Lacerations, Abrasions and Cuts * * * Barber's Itch * * * Rectal * * * Fissures;" (circular) "Surface Wounds, such as Lacerations, Abrasions and Cuts * * * Chilblains Barber's Itch."

On April 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18363. Misbranding of Luebert's Nox'Em pain tablets. U. S. v. 3 Dozen Boxes of Luebert's Nox-Em Pain Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26115. I. S. No. 27879. S. No. 4318.)

Examination of a drug product, known as Luebert's Nox'Em pain tablets, having shown that the carton label and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On March 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3 dozen boxes of Luebert's Nox'Em pain tablets, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by A. Gustav Luebert, from Coatesville, Pa., on or about September 10, 1930, and had been transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of acetanilid (3.25 grains per tablet), caffeine, sodium bicarbonate, strychnine, and starch.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Pain Tablets * * * Promptly relieve all cases of Sick Nervous Headache, Sea or Car Sickness, Ovarian Pains, Painful Menstruation, Toothache, Faceache, Backache, Rheumatic Pains and Grippe;" (circular) "Pain Tablets Allay Nerve Pains, Headaches, Neuralgia, Woman's Aches and Ills, La Grippe These tablets are for the relief of pain no matter where located. * * * relieve headache, either mild or severe, acute or chronic, sick, nervous or neuralgic. They give safe, prompt and positive relief for nerve-racking headache and disperse it so quickly that you will wonder what has become of it. * * * They stop nerve pains, such as neuralgia of the head, face, neck and back, including toothache, faceache, earache and all pains located along the nerve tracts. They ease painful menstruation, periodic, bearing-down and ovarian pains. They are excellent for * * * fever and grip."

On April 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18364. Misbranding of Marshall's prepared cubeb cigarettes. U. S. v. 9 Gross Small Size, et al., of Marshall's Prepared Cubeb Cigarettes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25663. I. S. No. 12128. S. No. 3927.)

Examination of Marshall's prepared cubeb cigarettes having shown that the carton labels and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the interstate shipment herein described, involving a quantity of the product at San Francisco, Calif.

On January 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 gross, small size, and 6 gross, large size, of Marshall's prepared cubeb cigarettes, remaining in the original unbroken packages at San Francisco, Calif., consigned by James B. Horner (Inc.), New York, N. Y., alleging that the article had been shipped in interstate commerce from New York, N. Y., into

the State of California, in part on or about April 9, and in part on or about May 14, 1930, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of ground cubeb fruit and stems.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Small carton) "For Catarrh, Hay Fever, * * * Headache, Asthma, Diseases of the Throat, &c., &c. * * * For all Throat Diseases, Asthma, Bronchitis, etc., Inhale the Smoke, taking it into the lungs; and immediate relief will follow. * * * For Catarrhal Headache they are without a rival;" (circular accompanying small package) "A Remedy for Catarrh, * * * Asthma, Hay Fever; All Diseases of the Throat; Foul Breath, etc.;" (large carton) "For Catarrh, Hay Fever, * * * Asthma, all Diseases of the Throat, Foul Breath, &c. * * * For Catarrh, Hay Fever, * * * and other Nasal Diseases * * * If the nose is stopped up so that it is almost impossible to breathe, one or two cigarettes will make the head as clear as a bell. For all Throat Diseases, Asthma, &c., inhale the smoke or swallow it, or both, and immediate relief will follow. It is an efficient remedy for Offensive breath, and will make the most foul breath pure and sweet."

On June 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18365. Misbranding of Anti-Uric outfits. U. S. v. 12 Anti-Uric Outfits. Default decree of destruction. (F. & D. No. 26008. I. S. No. 12260. S. No. 4231.)

The drug product herein described consisted of a liquid called Anti-Uric, a bottle of oil for use with the Anti-Uric, and a package of pills, one each inclosed in a carton and sold as an Anti-Uric outfit. Examination of the article having shown that the labeling of the outfit bore statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On March 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 of the said Anti-Uric outfits, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Brunswick Drug Co., from Los Angeles, Calif., on or about September 19, 1930, and had been transported from the State of California into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that the liquid consisted essentially of extracts from vegetable drugs including resins, volatile oils and alcohol, preserved with formaldehyde; that the oil consisted of methyl salicylate (32 per cent) incorporated in a fatty oil; and that the pills contained as their medicinal ingredients extracts of laxative plant drugs including aloin and a resin.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton for outfit) "Anti-Uric * * * Wonderful * * * Treatment for Rheumatism, Gout, Sciatica, Lumbago and General Uric-Acid Conditions. Anti-Uric, for internal use, * * * is a valuable tonic and anti-rheumatic promoting the oxidation of uric acid * * * Anti-Uric Company * * * Anti-Uric is valuable in many cases of rheumatism and some ailments commonly called rheumatism. Rheumatic Fever, inflammatory or acute, and sciatic rheumatism often respond in a few days. Severe cases of long standing usually require more time;" (bottle label for liquid) "Anti-Uric * * * A Valuable Treatment for Rheumatism, Inflammatory Rheumatism, Arthritis, Lumbago, Gout, Neuritis, Sciatica, Kidney Trouble, Blood Disorders and General Uric Acid Conditions. * * * Important After taking Anti-Uric a few days the pains usually increase, moving from one part of the body to another. This,

however, is only temporary and will soon disappear. These Symptoms denote that our remedy is getting at the seat of the trouble;" (bottle label for oil) "Beneficial in many cases of Rheumatism, Gout, Sciatica, Lumbago and Arthritis. * * * Important This oil is intended for quick relief from Rheumatic pains, pending the more permanent results to be obtained from taking Anti-Uric Liquid, internally;" (circular) "Rheumatism Its * * * Remedy * * * The Every Day Explanation of Rheumatism. The Cause * * * Rheumatism is considered a blood disease and as such cannot be treated or cured by external or local remedies. Constipation, weak kidneys, stomach troubles or indigestion, while they may not be very bad in themselves, prevent the removal of the waste products from the system. This refuse accumulates in the stomach and bowels and forms uric acid and other poisons, which the blood quickly absorbs. These poisons irritate the delicate inner lining of the arteries and veins, and, when deposited in the joints, dry up and destroy the natural fluids, causing what is known as articular rheumatism; when these poisons are fed to the muscles by the blood stream, muscular rheumatism is caused. Inflammatory rheumatism is accompanied by painful swelling. It causes intense misery, and those who have not felt the terrible suffering caused by inflammatory rheumatism can have no comprehension of its agony. Sciatic rheumatism is one of the most painful afflictions. This is not true rheumatism, but is a neuralgia of the Sciatic Nerve, characterized by severe pains in the back, thigh, leg or foot, following the course of the Sciatic Nerve. Chronic rheumatism is attended by pains in the hips, shoulders, knees and other large joints; at times confined to one place and at others shifting from one to another without causing inflammation or fever. The patient may become lame. Acute rheumatism usually occurs with symptoms of fever, excruciating pains, enlarged joints, which are more or less red; the pains shift from one place to another with great rapidity, the skin feels hot, and at times there is a profuse perspiration. Acute rheumatism seldom becomes chronic if properly attended to. Neuritis and lumbago are true rheumatic ills and, like sciatica and inflammatory rheumatism, generally yield to Anti-Uric treatment within 15 to 20 days. If, however, your case is Arthritis and none of the joints are set and can be moved, there is better than an even chance of a cure by prolonging Anti-Uric treatment for 8 to 10 months; and it usually requires 60 to 90 days before relief is noted. * * * Rheumatism of all types is stubborn, and relief and cure can only be obtained by persistent treatment. An Honest Remedy, Founded on Years of Experience The Remedy: We wish to state again that rheumatism must be treated internally. Only a blood purifier is of permanent benefit. Anti-Uric is not only one of the best purifiers of the blood, but also promotes digestion and assimilation of the food, making rich, nourishing blood. Anti-Uric * * * It may be taken for an indefinite time both for rheumatic affections and as a blood purifier. Its tonic effect has been proved, and a continued use of Anti-Uric will build up the entire system. * * * and increase the weight to normal. Anti-Uric is also valuable in strengthening weak kidneys, and after 30 days' treatment the patient shows marked improvement. We are warranted in stating Anti-Uric will give satisfaction in every case of genuine rheumatism if the patient will continue with the treatment. It is impossible to tell just how much Anti-Uric it will take to give satisfactory results, but we have found the following to be approximate: cases under four years, from four to six outfits; cases of four years or longer, one outfit for each year so afflicted. In order to get the best results from Anti-Uric, the internal liquid must be taken four times a day, a teaspoonful a half an hour before each meal, and at bed time, and every day as long as the treatment is continued. The parts which are sore and swollen must be massaged with Anti-Uric Oil at least twice a day. The bowels must be kept open by the use of the Pullman Pills. These pills * * * are very effective in helping the treatment. After using the combination of Anti-Uric remedies for six or eight days increased pain will be felt or pains moving from one part of the body to another. These symptoms are only temporary and show the remedy is beginning to give results. It is important that the patient continue the Anti-Uric treatment without a lapse, even if the pains increase, and especially if the case is Arthritis. Unless the patient shows these symptoms or receives no benefit from the third outfit of Anti-Uric, it is a sure sign that rheumatism is not causing the trouble, but some other disorder. Evidence of Good Results. For Arthritis references you may refer to the following [list of names]. * * * Our Guarantee. * * * We do not claim one outfit of

Anti-Uric will cure rheumatism. Do not get discouraged if results are not immediate. Continue the treatment, giving Anti-Uric a fair trial. It will not disappoint you, but will give you the same wonderful results it has given so many others."

On May 16, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18366. Misbranding of Tweed's Liniment. U. S. v. 37 Cases, Gallon Size. et al., of Tweed's Liniment. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25767. I. S. No. 20016. S. No. 3979.)

Examination of a drug product, known as Tweed's liniment, having shown that the labeling contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 37 cases, gallon size, 33 cases, one-half gallon size, and 28 cases, quart size, of Tweed's liniment, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Tweed Liniment Co. (Inc.), from Chelsea, Mass., in various consignments on or about August 14, September 20, September 27, October 15, December 6, and December 11, 1930, and had been transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was an emulsion containing ammonia, chloroform, tar, volatile oils such as sassafras oil, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the package, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "[For veterinary use] Sore Throat, Windgalls, Spavin, Curb, Ringbone, Thrush, Thoroughpin * * * Swellings of any description, or any eruption of the Skin, * * * For Family Use: For Rheumatism, Neuralgia, Stiff or Swollen Joints, Headache, Toothache, Cuts, * * * Lane Back * * * Soft Corns, * * * Contracted Cords, Lumbago, Eruptions, * * * Sore Throat. * * * For Sore Throat or Diphtheria."

On June 3, 1931, a claim for the property having been interposed by the Kopf Manufacturing Co. (Inc.), the New York agent for the Tweed Liniment Co., of Chelsea, Mass., and the said claimant having filed a stipulation admitting the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that it be relabeled under the supervision of this department, and be disposed of only in compliance with law, State or Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18367. Adulteration of fluid extract of ginger. U. S. v. Dr. Richard Ray (Emerson Wholesale Drug Co. and Emerson Medicine Co.). Plea of nolo contendere. Fine, \$25. (F. & D. No. 25708. I. S. No. 037438.)

Samples of fluid extract of ginger represented to be a pharmacopoeial product having been found to fall below the requirements of the United States Pharmacopoeia, since it contained rosin, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On May 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Dr. Richard Ray, trading as the Emerson Wholesale Drug Co., and the Emerson Medicine Co., at Kansas City, Mo., alleging shipment by said defendant, in violation of the food and drugs act, on or about March 6, 1930, from the State of Missouri into the State of Oklahoma, of a quantity of fluid extract of ginger, which was adulterated. The article was labeled in part: "Emerson * * * Fluid

Extract Ginger U. S. P. * * * Distributed by Emerson Wholesale Drug Co. * * * Kansas City, Mo."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that it contained rosin, whereas the pharmacopoeia provided that fluid extract of ginger should contain no rosin, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be fluid extract of ginger which conformed to the standard laid down in the United States Pharmacopoeia, whereas it did not.

On June 16, 1931, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18368. Misbranding of Femalga capsules. U. S. v. 2¾ Dozen Packages of Femalga Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25869. I. S. No. 27818. S. No. 4068.)

Examination of a drug product, known as Femalga capsules, from the shipment herein described having shown that the carton label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On February 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2¾ dozen packages of Femalga capsules, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the D'Ormont Laboratories, from Philadelphia, Pa., on or about October 14, 1930, and had been transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained amidopyrine (2.6 grains each).

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Dysmenorrhea (Painful Menstruation) An Aid To Nature in the Performance of one of her Most Important Functions in the Female—Menstruation;" (circular) "The Real Boon to Womankind. An Aid to Nature in the performance of one of her Most Important functions in the female—Menstruation. Dysmenorrhea (Painful Menstruation) one of the commonest known disorders in Womanhood. * * * Science has, after many years of study and research, found a way to alleviate this suffering, * * * without fear or apprehension. Femalga Capsules, by their action * * * control the pain and spasm of Dysmenorrhea, and make the menstrual period the normal function that it should be, rather than one of pain and derangement."

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18369. Adulteration and misbranding of Dr. Means' pills. U. S. v. 31 Boxes of Dr. Means' Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25883. I. S. No. 27817. S. No. 4069.)

Examination of a drug product, known as Dr. Means' pills, from the shipment herein described having shown that the article contained less acetanilid than declared on the label, also that the box label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On February 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and

condemnation of 31 boxes of Dr. Means' pills, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by Dr. W. B. Means, from Lebanon, Pa., on or about January 14, 1931, and had been transported from the State of Pennsylvania into the State of Delaware, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the pills contained acetanilid (116.1 grains per avoirdupois ounce), caffeine, camphor, and strychnine, and were sugar-coated.

It was alleged in the libel that the article was adulterated in that it fell below the professed standard of quality under which it was sold, namely, "200 grains Acetanilide in Avoirdupois ounce," whereas the product contained 116.1 grains of acetanilid per avoirdupois ounce.

Misbranding was alleged for the reason that the statement on the label, "200 grains Acetanilid in Avoirdupois ounce," was false and misleading. Misbranding was alleged for the further reason that the statements on the box label, "For La Grippe * * * Rheumatism, Neuralgia, Coughs, * * * Catarrh Pains in the back or limbs * * * Invaluable to Ladies in Painful periods," regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18370. Adulteration and misbranding of ether. U. S. v. Fifteen 1-Pound Cans of Ether. Default decree of condemnation and destruction. (F. & D. No. 25885. I. S. No. 26981. S. No. 4156.)

Examination of a sample of ether from the shipment herein described having shown that the article was represented to be a pharmacopoeial product, whereas it did not conform to the requirements of the pharmacopoeia since it contained peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Arkansas.

On February 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fifteen 1-pound cans of ether at Little Rock, Ark., alleging that the article had been shipped by Merck & Co., from St. Louis, Mo., on or about January 9, 1931, and had been transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated, since it contained peroxide.

Misbranding was alleged in substance for the reason that the label of the can containing the article bore the statement "Ether U. S. P.," whereas the said article differed from the United States Pharmacopoeial standard of strength, quality, and purity for ether.

On June 29, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18371. Misbranding of Pyradium. U. S. v. 30 Bottles of Pyradium. Default decree of condemnation and destruction. (F. & D. No. 26120. I. S. No. 1158. S. No. 4321.)

Examination of a drug product, known as Pyradium, from the shipment herein described having shown that it was represented to be germicidal, whereas it was not, also that the carton and bottle labels and the accompanying circular and coupon bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Montana.

On or about April 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of Pyradium at Great Falls, Mont., alleging that the article had been shipped by the Radium Remedies Co., from Minneapolis,

Minn., on or about August 14, 1928, and had been transported from the State of Minnesota into the State of Montana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc and sodium chlorides and sulphates, boric acid, glycerin, alcohol, and water, flavored with peppermint oil and colored green. It contained 5.5 millimicrograms of radium per milliliter—a therapeutically negligible proportion. Bacteriological examination showed that the article, even when undiluted, would not destroy common disease-producing organisms within an hour.

It was alleged in substance in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained but 5.5 millimicrograms of radium per cubic centimeter, which proportion was so small as to be negligible in so far as any therapeutic effect was concerned, and the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Pyorrhea Preparation * * * Germicidal * * * Healing;" (bottle) "Pyorrhea preparation. Kill the Germs. Heal the Gums. Save the teeth;" (circular) "Technique of Treatment for Pyorrhea and Other Oral Infections by the Administration of Pyradium * * * Pyradium Reaction The really remarkable results obtained from the use of Pyrad'um are, it is believed, attributable to two major causes: (a) The vitalizing action of the Alpha Ray or Particle of Radium on the basic cell processes, and (b) the catalyzing power of Radium upon the metallic atom of the molecule of the salts associated in the solution; the ionizing power of the different Radium Rays upon the atoms of the associated elements;" (coupon) "Guarantee * * * This bottle of Pyradium is guaranteed to relieve pyorrhea, if used according to directions."

Certain statements in the labeling which this department deemed to be false and fraudulent were not quoted in the libel. The following statements, however, which were charged in the libel to be false and fraudulent, and certain other statements which were omitted from the libel, formed the basis for the recommendation by this department that the charges be brought against the product that it was adulterated in that its strength fell below the professed standard under which it was sold, and was further misbranded in that the following statements were false and misleading: (Carton) "Radium Preparation. * * * Pyradium * * * Germicidal;" (bottle) "Radium Preparation. Pyradium. Kill the germs;" (circular) "Pyradium—Radium element associated in Solution with a carefully developed Formula of Proven Oral Germicides, Antiseptics * * * Pyradium Formula Pyradium is: Radium Chloride associated in solution with * * * Germicidal Oils. It is believed when Pyradium is held in the mouth, the tissues rapidly absorb the Alpha particles stored therein while the rays expelled during the retention in great numbers and velocity come in contact with the tissue. * * * It is believed that the Radium Rays cause an ionization of the metallic atom of the molecule of the metallic salts associated in the solution making more positive their activities, increasing the germicidal powers so that they rapidly and effectively pursue the work of destruction of the invading bacteria and germs in the * * * oral tissues. * * * The use of Radium in solution * * * Radium promotes the growth and multiplication of healthy cells * * * Radium promptly and invariably increases the number of red blood cells. * * * The Radium rays serve to stimulate chemical processes into greater activity thereby fostering the natural processes of life."

On May 22, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18372. Misbranding of Lavodent. U. S. v. 1 Dozen 16-Ounce Bottles, et al., of Lavodent. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25898. I. S. Nos. 27814, 27815, 27816. S. No. 4070.)

Examination of a drug product, known as Lavodent, from the shipments herein described having shown that it was represented to be an antiseptic and germicide, whereas it was not, also that the bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On February 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1 dozen 16-ounce bottles, 1 dozen 8-ounce bottles, and 2½ dozen 4-ounce bottles of Lavodent, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Lavodent Research Laboratories (Inc.), from Philadelphia, Pa., in various consignments on or about September 2, 1929, May 24, 1930, and September 14, 1930, and had been transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc chloride, ammonium chloride, saccharin, and flavoring oils including cassia oil, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading, since the article was not antiseptic: (Bottle labels for 16-ounce and 8-ounce sizes) "Which is an antiseptic * * * it is several times as powerful a germicide as phenol * * * a powerful germicide and disinfectant * * * an antiseptic;" (circular accompanying 16-ounce and 4-ounce sizes) "Lavodent has an inhibitive action on these bacteria. * * * Is several times as powerful a germ killer as pure carbolic acid." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the bottle labels, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (16-ounce size, band on bottle neck) "For healthy gums;" (bottle label) "Prevents Pyorrhea * * * Strengthens the gums;" (8-ounce size, bottle label) "Prevents Pyorrhea * * * Strengthens the gums;" (4-ounce size, bottle label) "For Pyorrhea * * * use Lavodent with equal parts of hot water every four hours."

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18373. Adulteration of ether. U. S. v. 180 Cans of Ether. Default decree entered. Product ordered delivered to University of Minnesota for experimental purposes. (F. & D. No. 25995. I. S. No. 24916. S. No. 4272.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On March 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 180 cans of ether, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., on or about January 24, 1931, and had been transported from the State of Missouri into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that it contained peroxide, and its own standard was not stated on the label.

On April 22, 1931, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal. Subsequently an amended decree was entered permitting release of the product to the University of Minnesota, Minneapolis, Minn., for use in the laboratory for experimental purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18374. Adulteration and misbranding of ether. U. S. v. 100 Cans, et al., of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26014. I. S. Nos. 12875, 22051. S. Nos. 4311, 4312.)

Samples of ether from the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On March 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one hundred 1-pound cans and eighty 5-pound cans of ether, remaining in the original unbroken packages at San Francisco, Calif., consigned by Merck & Co. (Inc.), Rahway, N. J., alleging that the article had been shipped from Rahway, N. J., in part on or about January 17, and in part on or about January 23, 1931, and had been transported from the State of New Jersey into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia, in that it contained peroxide.

Misbranding was alleged for the reason that the statement on the labels, "Ether U. S. P.," was false and misleading when applied to ether containing peroxide.

On May 14, 1931, Merck & Co. (Inc.), Rahway, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18375. Misbranding of Anti-Pyror mouth wash. U. S. v. 1¾ Gross Bottles of Anti-Pyror Mouth Wash. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26343. I. S. No. 29121. S. No. 4663.)

Examination of a drug product, known as Anti-Pyror mouth wash, from the shipments herein described having shown that the article contained less alcohol and less zinc chloride than declared on the label, also that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On May 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1¾ gross bottles of Anti-Pyror mouth wash, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Sharp & Dohme (Inc.), Philadelphia, Pa., in part on or about March 6, and in part on or about March 10, 1931, and had been transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of alcohol (42 per cent), zinc chloride (1.78 grains per fluid ounce), small proportions of beta-naphthol, formaldehyde, menthol, methyl salicylate, and extracts of plant drugs and water.

It was alleged in the libel that the article was misbranded in that its package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the following statements appearing in the labeling, (carton) "Alcohol 50% * * * Zinc Chloride 2 gr." and (bottle) "Alcohol 50%," were false and misleading. Misbranding was alleged for the further reason that the following statements in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton, English and Spanish) "Anti-Pyror * * * A valuable aid in the prevention and treatment of Pyorrhea Alveolaris * * * helps to heal erosions and hardens the gums * * * Anti-Pyror is used to * * * prevent decay of the teeth * * * inflammation, ulceration and receding of the gums, abscesses and pyorrhea;" (bottle, in English and Spanish) "Anti-Pyror * * * valuable aid in the prevention and treatment of Pyorrhea Alveolaris;" (circular, English) "You can check Pyorrhea * * * and relieve sore throat with Mulford Anti-Pyror * * * hardens the gums * * * and preserves the teeth. Anti-Pyror aids in safeguarding the region in which many ills find a starting point. By preventing trouble, Anti-Pyror helps materially in maintaining good health;" (circular, Spanish) "Very useful in the prevention and treatment of Pyorrhea

Alveolaris. This product is prescribed by the dental profession as a mouth wash to prevent the development of bacteria and protect the teeth against erosions and decay. * * * preventing in this manner the putrefaction of the teeth * * * inflammation, ulceration, abscesses and pyorrhea. It also prevents recession of the gums. * * * prevents the growth of bacteria in the mouth, hardens the gums and assists in preventing erosions. * * * In order to prevent Pyorrhea * * * in order to alleviate tonsilitis, laryngitis, and gingivitis."

On June 9, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18376. Misbranding of Meth-O-Sol. U. S. v. 2 Dozen Jars of Meth-O-Sol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25962. I. S. No. 27864. S. No. 4192.)

Examination of a drug product, known as Meth-O-Sol, from the shipment herein described having shown that the labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that it was labeled as having a readily absorbable base, whereas it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On March 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2 dozen jars of Meth-O-Sol, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Kelvan Co., from Philadelphia, Pa., on or about June 4, 1930, and had been transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils (21.7 per cent) including methyl salicylate and camphor, incorporated in a mixture of petrolatum and paraffin, colored with a green dye.

It was alleged in the libel that the article was misbranded in that the statement on the carton and in the circular, "Readily absorbable base," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar label) "Recommended in the treatment of Neuritis, Rheumatism, Pleurisy, Lumbago * * * Sciatica, or wherever there is pain;" (carton) "For Congestion or Inflammation of the Lungs. Excellent in the treatment of Pneumonia, Croup * * * For the alleviation of Rheumatism * * * Neuritis, Tonsilitis, and Enlarged Glands;" (circular) "Indications * * * will be found an effective local application in * * * Rheumatism, Lumbago, Sciatica, Headache, Neuritis, Pleurisy, Incipient Pneumonia, Croup * * * Sore Throat."

On April 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18377. Misbranding of Seven Drops. U. S. v. 10/12 Dozen Bottles of Seven Drops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25930. I. S. No. 28079. S. No. 4148.)

Examination of a drug product, known as Seven Drops, from the shipment herein described having shown that the bottle and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On February 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10/12 dozen bottles of Seven Drops, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Shafer Pharmacal Co., from Philadelphia, Pa., on or about December 9, 1929, and had been transported from the State of Pennsylvania

into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of sodium salicylate (56 grams per 100 milliliters), and water, colored red and flavored.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle and carton) "Indicated in the treatment of Rheumatism, Lumbago, Gout, Uric Acid, Kidney and Bladder trouble, * * * An aid in Eliminating Uric Acid;" (circular) "Indicated in the treatment of Rheumatism, Lumbago, Rheumatic Gout, Uric Acid, Suppressed Gout, Kidney and Bladder Trouble. * * * [Testimonials in circular] For ten years I suffered from Rheumatism. At times the pains in my joints were almost unbearable. I had just about given up all hope of obtaining relief, when I read your advertisement in the papers and bought a bottle of * * * After taking the first bottle of * * * the pains disappeared and I haven't been troubled since. * * * I have the utmost confidence in your rheumatic remedy and heartily recommend * * * to all sufferers from rheumatism. * * * 'Pains Disappeared' * * * I started taking * * * about a month ago. At that time I could hardly walk, now after using * * * for four weeks I feel like a new woman. I strongly recommend your remedy * * * to all sufferers of rheumatism."

On April 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18378. Misbranding of Kline's rheumatic remedy. U. S. v. 7 Jars of Kline's Rheumatic Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25974. I. S. No. 27863. S. No. 4193.)

Examination of a drug product, known as Kline's rheumatic remedy, from the shipment herein described having shown that the jar label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On March 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 7 jars of Kline's rheumatic remedy, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by H. E. Kline, from Philadelphia, Pa., on or about January 20, 1931, and had been transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sulphur (63 per cent) and glycerin, flavored with methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the jar label, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Rheumatic Remedy * * * Rheumatic Remedy for Rheumatism and Uric Acid Condition * * * Directions * * * Take * * * every night and morning until the uric acid is entirely eliminated from the system—and the bowels, kidneys, liver and stomach are properly regulated."

On April 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18379. Misbranding of Laxative 9 to 9 Health. U. S. v. 2½ Dozen Large Bottles, et al., of Laxative 9 to 9 Health. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23818. I. S. No. 08027. S. 2014.)

Examination of a drug product, known as Laxative 9 to 9 Health, showed that the labeling of the article represented that it was a medicine for certain ailments for which quinine sulphate is customarily prescribed, and that it

contained insufficient quinine sulphate to constitute an adequate treatment for such ailments when administered according to directions, namely: "9 to 9 is a medicine for * * * Malaria, Chills and Fever, Intermittent and Remittent Fever * * * Directions: For adults: One tablespoonful in water every three hours, until it acts. Then three times a day." The labeling contained further curative and therapeutic claims that were not justified by the composition of the product.

On June 18, 1929, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2½ dozen large-sized bottles and 16⅓ dozen small-sized bottles of the said Laxative 9 to 9 Health, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the 9 to 9 Pharmacal Co., from Philadelphia, Pa., in various consignments on or about November 1 (8), December 1, and December 7, 1928, and had been transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of quinine sulphate (0.55 grain per fluid ounce), magnesium sulphate, ferric chloride, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and in the circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Health * * * Recommended for Liver, Stomach, Kidneys, Blood * * * La Grippe, Fever, Chills;" (circular) "Breaks * * * Fevers * * * Health * * * 9-To-9 is a medicine for * * * Malaria, Chills and Fever. Intermittent and Remittent Fever, LaGrippe, Influenza, * * * 9-To-9 is the most active medicine known to reduce Fever * * * It kills the Germs that cause the * * * Fever. You can take it while the Fever is on or off. * * * For * * * La Grippe we know of no remedy better than 9-To-9. Three or four doses generally give relief. * * * 9-To-9 is a fine tonic for pale people. It builds up the blood corpuscles to a red, healthy condition, giving a natural, healthy complexion. * * * acts on the liver and kidneys, aiding them in throwing off the impurities, preventing Auto-Intoxication * * * It is a wonderful Strengthenner. * * * Preventive: 9-To-9 is a splendid preventive, so do not wait until you are so ill you are confined to your bed. If you have no appetite * * * feverish, have headache or that tired feeling * * * take three or four doses of 9-To-9 and see how much better you will feel. If you have been poisoned by mosquitoes, take a few doses to keep off the fever."

On November 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18380. Adulteration and misbranding of ether. U. S. v. 75 ¼-Pound Cans, et al., of Ether. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25908, 25909, 25912. I. S. Nos. 26919, 26920, 26921, 26922. S. Nos. 4163, 4166, 4168.)

Samples of ether from the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Texas.

On or about February 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of certain quantities of ether, namely, thirty-one 1-pound cans shipped on or about August 9, 1930, forty 1-pound cans shipped in October (October 6) 1930, and 75 quarter-pound cans shipped on or about December 13, 1930. It was alleged in the libels that the article had been shipped by Merck & Co., St. Louis, Mo., in interstate commerce into the State of Texas, that it remained in the original packages at Dallas, Tex., and that it was adulterated and misbranded in violation of the food and drugs act. A portion of the article was labeled in part, "Ether U. S. P.," and the remainder was labeled in part, "Ether for Anesthesia U. S. P."

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of purity as determined by the test for ether laid down in the said pharmacopoeia at the time of investigation, since it contained peroxide.

Misbranding was alleged for the reason that the article was labeled, "Ether U. S. P." or "Ether for Anesthesia U. S. P.," which labels were false and misleading in that they led the public to believe that the article was ether which conformed to the standard of purity laid down in the United States Pharmacopoeia, whereas it did not.

On May 15, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18381. Misbranding of Phyllosan. U. S. v. 70½ Dozen Bottles of Phyllosan. Default decree of condemnation, forfeiture, and destruction.
(F. & D. Nos. 25102 to 25112, incl., 25114 to 25119, incl., 25121, 25122, 25124, 25125, and 25126. I. S. No. 6010. S. No. 3374.)

Examination of a drug product, known as Phyllosan, from the shipment herein described having shown that the cartons, bottle label, and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Tennessee.

On September 20, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70½ dozen bottles of Phyllosan, remaining in the original unbroken packages at Knoxville, Tenn., alleging that the article had been shipped by Lightfoot & Schulz Co., from New York, N. Y., on or about June 27, 1930, and had been transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The libel set forth the following statements from the labeling: (Display carton) "Builds Red Blood * * * Recommended for Anemia, High Blood Pressure, Hardening of Arteries, Malnutrition, Run-down condition;" (retail carton) "Stimulates Blood Making Organs, Builds Red Blood, Invigorates and Energizes;" (bottle label) "Builds Red Blood, Stimulates Blood Making Organs, Increases the Number of the Red Cells and the Hemoglobin * * * and Improves Metabolism."

Analysis of a sample of the article by this department showed that the tablets contained chlorophyll and compounds of calcium, aluminum, and iron, coated with sugar.

Misbranding of the article was alleged in the libel for the reason that the statements on the display cartons, on the retail cartons, and on the bottle, and especially in the circular accompanying each bottle, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

The statements which formed the basis for the seizure recommendation included the curative and therapeutic claims from the cartons and bottle labels above quoted, also the following statements contained in the circular referred to in the libel: "Read These Remarkable Reports [testimonials of Physicians] * * * The Practitioner—'Clinical experiments show that it brings about an increase of physical and vital forces.' * * * Health—'Phyllosan is deserving of very much wider application in the combat with disease.' * * * Medical Weekly—'Report on a large series of cases of Arteriosclerosis and other cardiac conditions: "In addition to the strengthening of the heart may be added an action of releasing vessel cramp with a general vitalizing effect. Together with this improvement a drop in blood pressure occurs simultaneously." * * * The Westminster Gazette—'It has been welcomed at several London hospitals, where patients have been rejuvenated by a course of treatment.' * * * 'A child has been here three months, so weak that she could not cry. Her condition improved considerably, and she was able to sit up and laugh and cry when necessary, and is a new creature. No doubt a splendid result and it can only be attributed to Phyllosan.' * * * Start Taking Phyllosan Today! It revitalizes and invigorates! * * * Invigorates the Blood. * * * What 'Phyllosan' Does: 1. Renews and revitalizes the blood by increasing its red cells and haemoglobin content, and accordingly definitely fortifies bodily resistance against disease. 2. Helps revitalize and energize the whole human organism. 3. Fills every body cell with renewed, vital energy, and increases the physical and vital forces, irrespective of age. 4. Invigorates the arteries, helps restore their elasticity, thus preventing and reducing high blood pressure in many cases. 5. Stimulates the heart muscles, thereby fortifying and strengthening the action of the heart. 6. Because of its stimulating effect on the blood

making organs it aids in building up bone and body tissues. A medicinal food that helps build tissue. 7. Improves the tone of the nerves. 8. Accelerates the elimination of toxins and waste matter from the body. * * * 'Phyllosan' presents the natural basic energy in a form readily absorbed into the blood, regenerating and enriching it with revitalizing elements which fill every cell in the body with new vitality, new energy—invigorating every bodily function, stimulating metabolic processes, fortifying the heart, and increasing the physical and vital forces. Anemia. 'Thin Blood.' Thousands of persons, men and women, are suffering from anemia, often called 'thin blood,' and do not know it. They are frequently diagnosed as ailing with some disease which is really due to anemia. Anemia is common in pregnancy, rheumatism, kidney trouble, heart weakness, defective food habits, obesity, and is the rule in all convalescence. 'Phyllosan' has been shown to benefit anemias which have failed to respond to iron. It immediately and progressively increases the vitality of the blood, restores the number of red cells to the full healthy count and increases their haemoglobin content. 'Phyllosan' has none of the unpleasant after-effects of the ordinary iron preparation and 'tonics,' and does not affect the teeth. Here is a marked case of chlorosis, a primary anemia, at times met with in growing adolescent girls. At the beginning of the treatment a blood test showed haemoglobin 20 per cent and red cells 1,980,000 (should be about 4,700,000). At the end of five weeks' treatment with 'Phyllosan,' the blood test showed Haemoglobin 100 per cent and the red cells 4,860,000. Iron therapy was first tried and failed. A typical case of secondary anemia, that is, anemia associated with some ailment. Patient suffered with general debility and anemic condition of all mucuous membranes. The first blood test gave 3,800,000 red cells and 70 per cent of haemoglobin. After four weeks of 'Phyllosan' medication: red cells 4,800,000, haemoglobin 90 per cent. Patient had previously been treated with iron without results. These blood tests are positive. They are not dependent on what a patient may say. The blood examination tells a true story. 'Phyllosan' has been used with satisfactory results in thousands of cases of anemia. It has not proven of value in pernicious anemia or anemia associated with cancer. High Blood Pressure and Heart Weakness. 'Phyllosan' tends to ameliorate these conditions. It has been used in hundreds of cases. Dr. E. Gsell reported (1929), on the results obtained by the exclusive use of 'Phyllosan' on eight cases of high blood pressure, mostly with heart involvement. The patients ranged in ages from 55 to 70. Here are a few of the results. Blood pressure reduced from 175 to 135; from 200 to 146; from 220 to 180; from 185 to 120. The Doctor says, 'The diet of the patients was not changed or restricted in any manner.' The Doctor further says, 'In all of the patients who were examined by me, the general condition was improved. It (Phyllosan) proved itself an excellent remedy which stimulates the heart and is especially suitable for the treatment of circulatory disturbances which are due to arteriosclerosis. Important! Blood Pressure and Anemia. Why 'Phyllosan' is good for both. Some people are puzzled to understand why 'Phyllosan' should be effective for both 'Blood Pressure' and Anemia. This is due to a misunderstanding of the true nature of 'Blood Pressure.' * * * The Blood is the Life * * * (p. 14) The richer and redder this vital fluid is, the better it will do these tasks. 'Phyllosan' will help revivify the blood of even the thin and old. * * * 'Phyllosan,' in short possesses the capacity of stimulating metabolism, enhancing nutrition and increasing the resistance of the body to infections. 'Phyllosan' moreover is a mildly acting tonic which conduces to the improvement of general health and nutrition. * * * Convalescence. 'Phyllosan' is remarkably beneficial in convalescence—restoring vitality, reinvigorating the blood, increasing appetite, stimulating metabolism and accelerating the rebuilding of wasted tissues. Nervous Disturbances. Not only does the general revitalizing effect of 'Phyllosan' have a directly tonic effect upon the nervous system, but the improved blood stream increases the nutrition of the nerve fibres and generally restores a healthy normal tone. Backward, Listless Children. A course of 'Phyllosan' provides a natural means of stimulating the sluggish processes of growth, assisting the building of bone and body tissues, developing stamina, increasing appetite and promoting normal vigorous development. Particularly notable is the increase of energy and high spirits, resulting from a course of 'Phyllosan.'"

On April 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18382. Adulteration and misbranding of ether. U. S. v. Two Hundred and Sixty ½-Pound Cans of Ether. Default decree of destruction entered. (F. & D. No. 25584. I. S. Nos. 15062, 15063, 15064, 15065. S. Nos. 3874, 3876.)

Samples of ether from the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On December 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and on January 28, 1931, an amended libel, praying seizure and condemnation of 260 half-pound cans of ether at Minneapolis, Minn., alleging that the article had been shipped by Merck & Co., from Rahway, N. J., in part on or about April 18, 1930, and in part on or about April 29, 1930, and had been transported from the State of New Jersey into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia U. S. P."

It was alleged in the libel as amended that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia official at the time of investigation, in that it contained peroxide, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia U. S. P.," was false and misleading.

On May 21, 1931, the claimant for the property having withdrawn its answer, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18383. Adulteration and misbranding of ether. U. S. v. Eight 5-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25230. I. S. No. 54. S. No. 3508.)

A sample of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On October 23, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight 5-pound cans of ether, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the J. T. Baker Chemical Co., from Phillipsburg, N. J., on or about August 4, 1930, and had been transported from the State of New Jersey into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether Purified U.S.P.X."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, or purity as determined by tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon the label. Adulteration was alleged for the further reason that the strength or purity of the article fell below the prescribed standard under which it was sold, namely, "Ether Purified U.S.P.X."

Misbranding was alleged for the reason that the statement on the label, "Ether Purified U.S.P.X.," was false and misleading.

On November 20, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18384. Misbranding and alleged adulteration of Nestor emulsion of cod-liver oil. U. S. v. 22 Bottles of Nestor Emulsion of Cod Liver Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25819. I. S. No. 8158. S. No. 4036.)

Examination of a drug product, known as Nestor emulsion of cod-liver oil, from the shipment herein described having shown that the article contained less cod-liver oil and alcohol than declared on the labels, also that the bottle label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 bottles of Nestor emulsion of cod-liver oil at Memphis, Tenn.,

alleging that the article had been shipped by the Nestor Drug & Chemical Co., from Chicago, Ill., on or about October 9, 1930, and had been transported from the State of Illinois into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of cod-liver oil (39.94 per cent), small proportions of calcium and sodium hypophosphites, egg yolk, phosphoric acid, alcohol (8.4 per cent), and water, flavored with methyl salicylate.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Cod Liver Oil 50 Per Cent 12½ Alcohol," and the strength of the article fell below such professed standard, since it contained less cod-liver oil and alcohol than so represented.

Misbranding was alleged for the reason that the statements on the label, "Cod Liver Oil 50 Per Cent Alcohol 12½ Per Cent," were false and misleading when applied to the article. Misbranding was alleged for the further reason that the following statements on the bottle label, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "A reliable preparation for many forms of Pulmonary Diseases and other Lung Troubles, Cough, and General Debility."

On May 12, 1931, no claimant having appeared for the property, a decree was entered adjudging the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18385. Adulteration and misbranding of ether. U. S. v. 90 One-Quarter-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25587. I. S. No. 8172. S. No. 3896.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On December 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 90 one-quarter-pound cans of ether at Memphis, Tenn., alleging that the article had been shipped by Merck & Co., St. Louis, Mo., on or about July 9, 1930, and had been transported from the State of Missouri into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P. for Anaesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of the investigation.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P. For Anaesthesia," was false and misleading.

On April 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18386. Misbranding and alleged adulteration of Dr. Huff's combination tooth powder and mouth wash. U. S. v. 23 Cans of Dr. Huff's Combination Tooth Powder and Mouth Wash. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25801. I. S. No. 8144. S. No. 3985.)

Examination of the drug product herein described having shown that the article was represented to be an antiseptic, whereas it was not, also that the can and carton labels and the accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 cans of Dr. Huff's combination tooth powder and mouth wash at Memphis, Tenn., alleging that the article had been shipped by Huff's (Dr. Huff's) Tooth Powder Co., from Hot Springs National Park, Ark., on or

about November 19, 1930, and had been transported from the State of Arkansas into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium bicarbonate, sodium chloride, sodium borate, lactose, and methyl salicylate. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (can cap and carton) "Antiseptic."

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading when applied to an article which was not antiseptic: (Can and carton) "Antiseptic * * * Prevents Fermentation;" (circular) "Registered Under the Pure Food and Drugs Act. * * * Chloride * * * one of the most Powerful and Harmless Antiseptics Known to Science. * * * It Contains * * * An Antiseptic." Misbranding was alleged for the further reason that the statements on the carton and can and in the circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "A reliable remedy for Gum Trouble and Specially Recommended for Pyorrhea;" (can) "Will relieve acute and chronic inflammation of the Gums, relieves Pyorrhea, Bleeding Gums * * * The Best Treatment for Inflamed Gums and Pyorrhea;" (circular) "It should contain Chloride Sodium to preserve and harden the gums * * * For Sore, Spongy and Bleeding Gums Dr. Huff's Tooth Powder is an ideal Preparation and can be depended upon to give immediate relief and restore the soft tissues to a normal condition."

On May 12, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18387. Misbranding of Hays' specific. U. S. v. 7 Bottles of Hay's Specific. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25828. I. S. No. 8157. S. No. 4052.)

Examination of a drug product, known as Hays' specific, from the shipment herein described having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 7 bottles of Hays' specific at Memphis, Tenn., alleging that the article had been shipped by Kolb Bros. Drug Co., from Paducah, Ky., on or about April 29, 1930, and had been transported from the State of Kentucky into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of small proportions of ammonium sulphate, iron sulphate, and sulphuric acid, extracts of plant drugs including a laxative drug, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Ingredient No. 1: 'An excellent remedy in * * * the treatment of Ascarides (or worms), and is useful in Hemorrhoids (or piles) without inflammation. In Amenorrhea, it is perhaps, more frequently used than any other remedy resorted to by females.' Ingredient No. 2: 'It may be employed in Passive Relaxation of the Mucous Membranes of the skin, Hemorrhages, serious Diarrhea, Coliquative Sweats, Colica Pictonum (or action of lead on the human body, as Painters' Colic). It allays Nausea and vomiting, * * * It mitigates the pain * * * It is also efficacious in Nervous Colic.' Ingredient No. 3: 'The complaints in which this has been especially recommended are: Rheumatism, Gout, Neuralgia, Tetanus (or lock jaw), Hydrophobia, Epidemic Cholera, Convulsions, Chorea (or disorder of the nervous system), Hysteria,

Mental Depression, Delirium Tremens, Insanity and Uterine Hemorrhage.' Ingredient No. 4: 'Its astringency fits it especially for use in Passive Hemorrhages, Coliquative Sweats (or night sweats) Leucorrhœa, Gleet, etc.' Ingredient No. 5: 'This is a laxative, is principally used for Hemorrhoids, Atonic Gout, Chronic Rheumatism, Chronic Catarrh and Asthma.' * * * For Disorders of the Liver, Stomach and Kidneys, Rheumatism, Eczema, Indigestion, * * * Malaria and Chills. A Blood Purifier * * * A small dose if taken two or three times weekly aids greatly in warding off chills and malaria;" (bottle) "System Tonic * * * For Disorders of the Liver, Stomach and Kidneys, Rheumatism, Eczema, Indigestion, * * * Malaria and Chills A Blood Purifier * * * A small dose if taken two or three times weekly aids greatly in warding off chills and malaria."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18388. Misbranding of Dr. G. B. Williams' liver and kidney pills. U. S. v. 26 Dozen Boxes, et al., of Dr. G. B. Williams' Liver and Kidney Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26226, 26227. I. S. Nos. 27550, 27551. S. Nos. 4436, 4471.)

Examination of the drug product herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On April 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 48 dozen boxes of Dr. G. B. Williams' liver and kidney pills, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Interstate Drug Co., from Quitman, Ga., in part on or about April 9, 1931, and in part on or about April 16, 1931, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a compound of mercury such as calomel, aloë, a resin such as podophyllum resin, and a trace of an alkaloid.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle, both lots) "For * * * Biliousness, headache, backache, and all troubles arising from inactive liver and kidneys;" (carton, first lot) "There is nothing better for Biliousness * * * Headache, Backache, or any Liver and Kidney Trouble * * * They are a system cleanser and relieve by removing the cause. * * * For the Liver and Kidneys * * * Liver and Kidney Pills regularly in malaria sections of the country, they ward off Chills and Fever and other troubles brought on from malaria. * * * Liver and Kidney Pills act promptly and pleasantly without any debilitating effect upon the system, and may be taken with perfect safety by young or old;" (carton, second lot) "Liver and Kidney Pills act promptly and pleasantly without any debilitating effect upon the system, and may be taken with perfect safety by young or old * * * For the Liver and Kidneys * * * Liver and Kidney Pills regularly in malaria sections of the country, they ward off Chills and Fever and other troubles brought on from malaria. * * * There is nothing better for Biliousness * * * Headache, Backache, or any Liver and Kidney Trouble * * * They are a system cleanser and relieve by removing the cause;" (shipping carton) "Liver and Kidney * * * For Biliousness * * * Headache, Backache, and all troubles arising from inactive liver or kidneys;" (circular, second lot) "Liver and Kidney Pills."

On May 27, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18389. Adulteration and misbranding of ether. U. S. v. Five 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25585. I. S. No. 27321. S. No. 3897.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Indiana.

On December 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five 1-pound cans of ether at South Bend, Ind., alleging that the article had been shipped by the New York Quinine & Chemical Works, from Brooklyn, N. Y., on or about August 9, 1930, and had been transported from the State of New York into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and the true standard of strength, quality, or purity of the article was not stated plainly on the cans.

Misbranding was alleged for the reason that the statement on the label of the can, "Ether for Anesthesia U. S. P.," was false and misleading in that the article contained other ingredients.

On June 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18390. Misbranding of Moore's herb bitters. U. S. v. 70 Bottles of Moore's Herb Bitters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25806. I. S. No. 8168. S. No. 4031.)

Examination of a drug product, known as Moore's herb bitters, from the shipment herein described having shown that the bottle and carton labels and the accompanying circular and display card bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that it was represented to be a vegetable preparation, whereas it contained a mineral drug, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70 bottles of the said Moore's herb bitters at Memphis, Tenn., alleging that the article had been shipped by the Moore Drug Co., from Hot Springs, Ark., on or about September 20, 1930, and had been transported from the State of Arkansas into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate, extracts of plant drugs including a laxative drug, and water.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Herb Bitters * * * An Excellent Preparation Composed of Roots and Herbs," was false and misleading. Misbranding was alleged for the further reason that the following statements in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For Liver, Kidneys, Stomach, Chills and Fever, Dyspepsia, Indigestion, * * * Malaria, Ague, Rheumatism * * * General Debility, Female Weakness, * * * Directions for Liver * * * Indigestion * * * Kidney and Stomach Troubles * * * For Rheumatism and Female Weakness;" (carton) "Blood, Liver, Kidney, Stomach * * * Acting Gently on the Liver, Stomach and Bowels; Cleaning the System; Aiding Digestion, Relieving * * * Kidney Trouble, Dizziness, * * * Catarrh * * * Fills you full of 'Pep' * * * Liver, Kidney, Stomach * * * The Great Blood and Liver Tonic For Blood, Liver, Kidney and Stomach Troubles, Dyspepsia, Indigestion. * * * Dizziness * * * Insomnia, General Debility, * * * Eruptions of the Skin, Pimples, Blotches, Blackheads, Malaria, Chills and Fever, * * * Catarrh, Ague * * * one of the most potent and effec-

tual tonics for purifying and building up the entire system, destroying disease germs and removing impurities through their natural channel. It acts on the Blood, Liver, Kidneys, Nerves, Stomach * * * Quickens the circulation, restoring functions to a normal condition, thereby producing new life, health, strength and vitality. * * * Is Your Stomach out of Order? * * * Kidneys act too freely? If so, you need these Wonderful Bitters. Directions for Liver Complaint, * * * Indigestion, * * * Kidney and Stomach Troubles * * * For Rheumatism and Female Weakness * * * The System Regulator * * * For Blood, Liver, Kidneys, Stomach, Dyspepsia * * * Catarrh, Malaria, Ague, Chills and Fever, Rheumatism, Female Weakness. It exercises complete mastery over these miserable ailments and speedily restores a sound, vigorous body, cheerfulness and mental activity;" (circular) "The Great Blood, Liver, Kidney and Stomach Tonic * * * Acting gently on the Liver, Stomach * * * Cleansing the System; Aiding digestion; relieving * * * Kidney Troubles, Dizziness * * * Catarrh * * * A torpid Liver * * * Stomach Troubles * * * Be Sure to Take * * * Bitter Herbs for * * * Torpid Liver * * * Nervousness * * * Melancholia, Ague, Pimples, Dizziness, Heaviness, Indigestion, Dyspepsia * * * Chills and Fever * * * Morning Sickness * * * Kidney Diseases;" (shipping carton and display card) "For Liver, Kidney, Stomach."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18391. Adulteration and misbranding of ether. U. S. v. 47 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25643. I. S. No. 11057. S. No. 3930.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On January 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of forty-seven 1-pound cans of ether, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Merck & Co., from New York, N. Y., April 14, 1930, and had been transported from the State of New York into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by tests laid down in said pharmacopoeia official at the time of investigation.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P.," was false and misleading when applied to ether containing peroxide.

On May 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18392. Misbranding of Owens' Wonderful sore wash. U. S. v. 8½ Dozen Bottles of Owens' Wonderful Sore Wash. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25770. I. S. No. 8135. S. No. 3984.)

Examination of the drug product herein described having shown that the bottle and carton labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8½ dozen bottles of Owens' Wonderful sore wash at Memphis, Tenn., alleging that the article had been shipped by the Natchez Drug Co., from Natchez, Miss., on or about September 24, 1930, and had been transported from the State of Mississippi into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc sulphate, sodium chloride, traces of hydrastine and berberine, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Diseases of the Skin, Carbuncles, Catarrh, Erysipelas, Itch, Piles, Tetters * * * Etc., on Human Flesh. Fistula-Withers, Scratches, Foot-Evil, Etc. * * * Gaps, Canker, Roup, Warts, Chicken Pox * * * Etc. on Fowls;" (carton) "Sore Wash * * * Treatment for Diseases of the Skin, Carbuncles, Erysipelas, Catarrh, Tetters, Ring Worm, Itch, Scald Head, Sores, Ulcers, * * * Goitre Piles &c. On Human Flesh. Fistula-Withers, Charbon, Enlarged Glands, Scratches, Foot Evil * * * Lampas, Hooks, * * * Surfeit, &c on Animals, Gaps, Roup, Warts, Chicken Pox;" (circular) "For Sore Ulcers, Sore Eyes, Erysipelas, * * * Goitre, Carbuncle, Tetters, Piles, Catarrh * * * I have used 'Owens' Wonderful Sore Wash' on the aggravated case of tetters, with beneficial results. * * * I witnessed the marvelous results of the application of 'Owens' Wonderful Sore Wash' on an adult, for an ugly Sore Ear. The result was prompt and effectual. * * * 'Owens' Wonderful Sore Wash' relieved a negro woman who had been suffering over three months with a sore breast. * * * Boils, Tetters, Itch, Erysipelas, Carbuncles, * * * Sores, Gangrene, * * * Eczema, Ringworm, Milk-Crust, * * * Eruptions, Fish-Skin * * * Ulcers of every kind, Scaly or Rough Skin, Shingles around the Body * * * Chronic Sores and Erysipelas. * * * Recent Sores, * * * Sore Nipples. * * * For Lupus (Malignant Stubborn Ulcer), Sore on the corner of the eye or very near the lids, * * * for Bites of animals [insects] * * * Seat-worms, * * * Corns, Bunions, Warts, Goitre * * * Special for Goitre * * * For Ulcerated Throat. * * * By Injection. * * * Blind and Bleeding Piles, Hemorrhoids, Ulceration of the Rectum, Leucorrhoea or Whites, Gonorrhoea or Gleet * * * Nasal Catarrh, Hay Fever, * * * Offensive Discharge from Nostrils, * * * For Gonorrhoea, Gleet, or Similar Troubles; * * * For Roup, Canker, or Ulcerated Throat, Gaps, Gout * * * Chicken-pox, Warts, * * * For Running Sores of any character, Fistula, Withers, Greasy Heels, Poll Evil, Scratches, Warbles * * * Mange, Surfeit, Lice, Etc. * * * Sweeney, Enlarged Gland, External Charbon, Lampas, * * * Inflammation of the Sheath, or Udder * * * For Inflamed Eyes, as Ophthalmia, Hooks, Etc. * * * For Catarrh, Ulceration of the Nostrils in Animals * * * large Carbuncle, * * * I tried 'Owens' Wonderful Sore Wash,' and saw a change in twenty-four hours. In two weeks he was entirely relieved. * * * carbuncle, large; relieved in one week. * * * carbuncle, bad; relieved in a very short time. * * * Sore legs, three years; relieved * * * sore legs six years; relieved * * * Old chronic sore leg, still under treatment; doing well. * * * Sore leg of long standing; relieved in six weeks * * * Chronic Sore Leg still under treatment; doing well. * * * Ulcerated Sore Foot, of long standing; still under treatment, doing well. * * * Syphilitic Ulcer, bad; relieved * * * Syphilitic Ulcer; relieved * * * Syphilitic ulcer, very bad; relieved in six weeks. * * * Syphilitic ulcer, three years; relieved in two months. * * * Syphilitic ulcer, bad; relieved in five weeks. * * * Ulcer Sore Hand; relieved in a short time. * * * Erysipelas; relieved in four days. * * * Fever Sore, long standing; relieved in four weeks. * * * Scrofulous ulcer; relieved. A German about fifty years old, who, in connection with a severe attack of dysentery, was suffering with a cutaneous eruption of five years' standing. With the use of 'Owens' Wonderful Sore Wash' he was relieved in ten days. * * * For Gangrene, Milk Leg, &c * * * Gangrene of the Finger—in this, a bad case, I used 'Owens' Wonderful Sore Wash' and to my surprise, in a week's time the patient was out of all danger of losing his finger or hand, and in three weeks was relieved. * * * Suppurative Phlebitis—(Inflammation and superoction of a vein)—In a female occurring soon after delivery known to pathologists under the name of Phlegmasia Dolens (White or Milk Leg). The benefit derived from 'Owens' Wonderful Sore Wash' in this case was its power of reducing inflammation, * * * For Carbuncles and Sores. * * * I was induced to try it on several severe scrofulous and other Sores, and it proved a success in every case. Have used it also for quick success on a large and painful Carbuncle relieving

the patient (an old negro) in a short time. In fact I will say I have never used as prompt and effectual a remedy as 'Owens' Wash for any kind of Sores, Eruptions, or Bunions. * * * I find it the most efficient and quick remedy for the relief of Scratches, Greasy Heels, Enlarged Glands, &c on Horses I ever used. * * * I relieved a horse of mine, of Scratches in two or three washings."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18393. Misbranding of Hinkaps. U. S. v. 34 Boxes of Hinkaps. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25764. I. S. No. 8149. S. No. 3978.)

Examination of a drug product, known as Hinkaps, from the shipment herein described having shown that the circular accompanying the article bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 boxes of Hinkaps at Memphis, Tenn., alleging that the article had been shipped by the Hinkle Capsule Co. (Inc.), from Mayfield, Ky., on or about February 19, 1930, and had been transported from the State of Kentucky into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained ferric chloride, calcium carbonate, cubeb oil, extracts of plant drugs, and talc.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Why nature gets you up at Night—Frequent getting up at night is nature's way of warning you that you have weak kidneys or bladder or both. Nature takes this way of telling you that action must be taken to strengthen these organs before some dire disease such as Diabetes, Brights Disease or any of the many other serious renal ailments afflicts you. By taking prompt action, these terrible diseases can be avoided, as they usually strike when a weak condition exists. Hinkaps promote and maintain a sanitary condition of these organs and assist nature in restoring normal action by making the kidneys and bladder sound and healthy, able to resist disease. * * * For Healthy Kidneys and Bladder—Take."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18394. Adulteration of ether. U. S. v. 65 Half-Pound Cans of Ether. Default decree of condemnation and destruction. (F. & D. No. 25868. I. S. No. 24030. S. No. 4110.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On or about February 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 65 half-pound cans of ether at Arkansas City, Kans., alleging that the article had been shipped by the Mallinckrodt Chemical Works, St. Louis, Mo., on or about September 30, 1930, and had been transported from the State of Missouri into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia, in that it contained peroxide.

On May 18, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18395. Misbranding of Kobolo tonic. U. S. v. 21 Bottles of Kobolo Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25750. I. S. No. 14662. S. No. 3971.)

Examination of a drug product, known as Kobolo tonic, from the shipment herein described having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Wisconsin.

On January 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 bottles of Kobolo tonic, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by M. J. Weiskopf, Chicago, Ill., on or about February 26, 1929, and had been transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of iron citrate, methenamine, extracts of plant drugs including a laxative drug, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the bottle and carton labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Stomach Remedy * * * indispensable to perfect digestion * * * for treating gastric ailments, Indigestion, Want of Appetite, Malarial Diseases, dispels Low Spirits and Nervousness, removes that tired feeling, Affections and Derangements of the Urinary Organs. * * * sustaining the system during arduous labors and journeys. It stimulates respiration and the brain by increasing its blood supply, increases the heart action, and under its daily use a considerable extra amount of labor can be borne without suffering. It Will Purify The Blood. Bones, muscles and nerves receive new force, brain power is supplied, and health and vigor restored;" (carton) "For * * * Indigestion, Dyspepsia, * * * Chills and Fever, Female Weaknesses. All Derangements of the Stomach, Liver and Kidneys. * * * Aids Digestion, Strengthens the Entire System * * * Makes Good Blood, Restores Health and Strength, Improves Every Function of the Body;" (shipping carton) "Stomach Remedy." Misbranding was alleged for the further reason that the statement on the bottle label, "Guaranteed under the National Food & Drugs Act. June 30, 1906. Serial Number 14072," was false and misleading.

On May 13, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18396. Misbranding of Tiko. U. S. v. 12 Bottles of Tiko. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25746. I. S. No. 8462. S. No. 3970.)

Examination of a drug product, known as Tiko, from the shipment herein described having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On January 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 bottles of Tiko at Houston, Tex., alleging that the article had been shipped by the Kells Co., from Newburgh, N. Y., on or about July 12, 1930, and had been transported from the State of New York into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, a trace of colchicine, alcohol, and water.

It was alleged in substance in the libel that the article was labeled in part, (carton and bottle) "Articular Rheumatism, Gouty Rheumatism, Inflammatory Rheumatism, Muscular Rheumatism, Sciatic Rheumatism, Acute or Chronic," (circular) "But do claim that it has been beneficial in genuine cases of Sciatic Rheumatism," and that it was misbranded, which misbranding was false and misleading. This department recommended that the charge be brought that the article was misbranded in that the statements from the carton and bottle labels and circular, above quoted, and certain additional statements appearing in the circular, were false and fraudulent.

On March 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18397. Misbranding of Wampole's vaginal cones boroglyceride compound with ichthyol. U. S. v. 9½ Dozen, et al., Wampole's Vaginal Cones Boroglyceride Compound with Ichthyol. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25222, 25223. I. S. Nos. 8788, 8789. S. Nos. 3495, 3496.)

Examination of a sample of Wampole's vaginal cones boroglyceride compound with ichthyol taken from one of the shipments herein described having shown that the wrapper, box label, and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On October 23, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 31½ dozen Wampole's vaginal cones boroglyceride compound with ichthyol, remaining in the original unbroken packages at Buffalo, N. Y., consigned by H. K. Wampole & Co., Philadelphia, Pa., alleging that the article had been shipped from Philadelphia, Pa., in various consignments, between the dates of April 3, 1930 and September 22, 1930, and had been transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric acid, borax, a sulphonated oil, a zinc compound, glycerin, and gelatin.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Shipping wrapper) "Useful in Inflammatory Conditions;" (box) "For Inflammatory or Congested Conditions of the Vagina and Uterus;" (circular) "In treatment of gonorrhea, Wampole's Ichthyol Cones should prove a helpful adjunct, in view of the reported effectiveness of Ichthyol in cases of acute and chronic gonorrhea * * * melting and dissolving slowly and completely, insuring opportunity for prolonged therapeutic action."

On January 7, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18398. Adulteration and misbranding of ether. U. S. v. Sixteen ¼-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25906. I. S. No. 27585. S. No. 4162.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of North Carolina.

On February 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of sixteen ¼-pound cans of ether, remaining in the original unbroken packages at Asheville, N. C., alleging that the article had been shipped by Merck & Co. (Inc.), from Rahway, N. J., on or about October 18, 1930, and had been transported from the State of New Jersey into the State of North Carolina, and charging adulteration and misbranding in violation of the food

and drugs act. The article was labeled in part: "Ether for Anesthesia, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia, U. S. P.," was false and misleading.

On June 9, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18299. Adulteration and misbranding of ether. U. S. v. 38 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25910. I. S. No. 26923. S. No. 4167.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Texas.

On or about February 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 38 cans of ether, remaining in the original packages at Dallas, Tex., alleging that the article had been shipped by the Mallinckrodt Chemical Works, St. Louis, Mo., on or about May 1, 1930, and had been transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of purity as determined by the test for ether laid down in the said pharmacopoeia at the time of investigation, since it contained peroxide.

Misbranding was alleged for the reason that the article was labeled, "Ether for Anesthesia," which label was false and misleading in that it led the public to believe that the article was ether which conformed to the standard of purity laid down in the United States Pharmacopoeia, whereas it did not, since it contained peroxide.

On May 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18400. Misbranding of Wood's fever pills. U. S. v. 70 Packages of Wood's Fever Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25776. I. S. No. 8138. S. No. 4012.)

Examination of a drug product, known as Wood's fever pills, from the shipment herein described showed that the article contained cinchonine, a derivative of cinchona, that it was recommended as a cure for ailments for which quinine and other cinchona derivatives are customarily prescribed, and that it contained insufficient cinchonine to cure such ailments when used according to directions, namely: "Two Pills the night before and two Pills the morning of the expected fever day; then one Pill night and morning for one or two days; then one Pill the night before and one the morning of the 7th, 14th, and 21st days, counting from the last fever." The labeling of the article bore further curative and therapeutic claims that were not justified by the composition of the article.

On January 23, 1931, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70 packages of Wood's fever pills at Memphis, Tenn., alleging that the article had been shipped by Dr. Wm. Wood & Sons, from Cairo, Ill., on or about October 6, 1930, and had been transported from the State of Illinois into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained acetanilid (0.86 grain per pill), cinchonine (0.29 grain per pill), and extracts of plant drugs including a laxative drug.

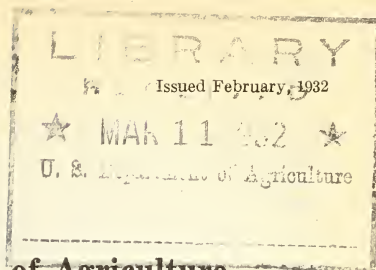
It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and in the circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For all Bilious and Malarial Diseases * * * For any form of Malarial Fever, such as Bilious Fever, and Ague, Dumb Ague, Intermitting and Remitting Fever, Sun Pain, Sick Headache, Neuralgia, Swamp Fever, Etc.;" (circular) "General Directions—For any form of Malarial Fever, such as Bilious Fever, Fever and Ague, Dumb Ague, Intermitting and Remitting Fever. Sun Pain, Sick Headache, Neuralgia, Swamp Fever, etc. * * * Kidney Derangements caused by malaria are very common, causing Apoplexy, Paralysis, Insanity, Neuralgia and Spinal Diseases generally, while their cause is hardly suspected. * * * One Pill every night or two, as a female regulator * * * One or two pills will break up and relieve a Sick Headache * * * When the system is debilitated and the blood has lost its rich rosy hue * * * In rousing a Torpid Liver they have no equal * * * Jaundice cured by * * * Let the aged who sometimes sigh for the 'Elixir of Perpetual Youth' take a Wood's Pill or two and he will own that he has found an excellent substitute for that 'Fabled Elixir.' Erysipelas cured * * * Malarial Dropsy * * * Another effect of Malaria is dizziness, mental confusion and loss of memory * * * Malarial Rheumatism * * * As a preventive for Yellow Fever, Typhoid Fever, Cholera and other Zymotic Diseases * * * For Chronic Diarrhoea."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18401-18450

[Approved by the Secretary of Agriculture, Washington, D. C., February 9, 1932]

18401. Adulteration of canned frozen eggs. U. S. v. 8 Cans of Liquid Eggs. Default decree of destruction entered. (F. & D. No. 25973. I. S. Nos. 24909 to 24915, incl. S. No. 4249.)

Samples of canned frozen eggs from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On March 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8 cans of liquid eggs, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Durand Product Co., from Durand, Wis., in May, 1930, and had been transported from the State of Wisconsin into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Liquid Eggs."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On April 17, 1931, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18402. Adulteration and alleged misbranding of butter. U. S. v. 78 Tubs of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 25280. I. S. No. 6294. S. No. 3516.)

Samples of butter from the shipment herein described having been found to be below the standard provided by Congress, since they contained less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On October 15, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 78 tubs of butter, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Land O'Lakes Creameries (Inc.), Duluth, Minn., alleging that the article had been shipped from Duluth, Minn., on October 9, 1930, and had been transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Land O'Lakes Creameries, Inc., Duluth, Minn."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of butterfat had been substituted for butter.

Misbranding was alleged for the reason that the article was represented to be butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On October 21, 1930, the Land O'Lakes Creameries (Inc.), Duluth, Minn., having appeared as claimant for the property, judgment was entered finding the product adulterated and ordering that it be condemned, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$3,200, conditioned in part that it be reworked under the supervision of this department, and should not be disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18403. Adulteration and misbranding of canned shrimp. U. S. v. 40 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26034. I. S. Nos. 15133, 15134. S. No. 4351.)

Samples of canned shrimp from the shipment herein described having been found to be decomposed, and the cans having been found to be short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On March 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 cases of canned shrimp at New Orleans, La., alleging that on or about March 10, 1931, the Pelican Lake Oyster & Packing Co., (Ltd.) Houma, La., had delivered the article to the steamship dock at New Orleans, La., intended for export to a foreign country, namely, Venezuela, and that it was adulterated and misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Creole Brand La. Shrimp Packed by Pelican Lake Oyster and Packing Co., Ltd., Houma, La., U. S. A. Dry Pack Contents 5 ounces."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statement on the can label, "Contents 5 ounces," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On May 11, 1931, all persons having claim or interest in the product having been cited to appear, and all such parties having been found in default, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18404. Misbranding of alfalfa leaf meal. U. S. v. 102 Bags of Alfalfa Leaf Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 25798. I. S. No. 16402. S. No. 4038.)

Samples of alfalfa meal from the shipment herein described having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Indiana.

On January 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 102 bags of alfalfa leaf meal, remaining in the original unbroken packages at Hammond, Ind., alleging that the article had been shipped by the Lamar Alfalfa Milling Co., from Lamar, Colo., on or about December 15, 1930, and had been transported from the State of Colorado into the State of Indiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Alfalfa Leaf Meal * * * Guaranteed Analysis Protein 20.0% * * * Manufactured by The Lamar Alfalfa Milling Co., Lamar, Colo."

It was alleged in substance in the libel that the article was misbranded in that the statement on the label, "Guaranteed Analysis Protein 20.0%," was false and misleading and tended to and did deceive and mislead the purchaser, since the said statement represented that the article contained 20 per cent of protein whereas it contained a less amount.

On March 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18405. Adulteration of butter. U. S. v. 78 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26426. I. S. No. 5049. S. No. 4042.)

Samples of butter from the shipment herein described having been found to fall below the standard provided by Congress, since they contained less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On or about January 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 78 boxes of butter, remaining in the original unbroken packages at Springfield, Mass., consigned about January 4, 1931, alleging that the article had been shipped by the Equity Union Creameries (Inc.), Aberdeen, S. Dak., and had been transported from the State of South Dakota into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the article purported to be, the act of Congress of March 4, 1923, having provided that butter should contain not less than 80 per cent by weight of milk fat.

On February 24, 1931, the Equity Union Creameries (Inc.), Aberdeen, S. Dak., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be reworked so that it contain at least 80 per cent of milk fat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18406. Adulteration of canned pimientos. U. S. v. 275 Cases of Pimientos in Glass. Product released under bond to be reconditioned. (F. & D. No. 25481. I. S. No. 13463. S. No. 3740.)

Samples of canned pimientos from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On December 15, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 275 cases of canned pimientos, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about September 12, 1930, and had been transported from the State of Georgia into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jar) "Sunshine Brand Pimientos * * * First Quality Pomona Products Co., Griffin, Ga."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On January 31, 1931, the Pomona Products Co., Griffin, Ga., claimant, having consented to the condemnation and forfeiture of the product, a decree was entered ordering that the said product be released to the claimant, or to its duly authorized agent, upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it be reconditioned under the supervision of this department, and that it should not be sold or disposed of in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18407. Adulteration and alleged misbranding of canned turnip greens. U. S. v. 290 Cases, et al., of Canned Turnip Greens. Consent decree entered finding product adulterated and ordering its release under bond to be reprocessed. (F. & D. No. 25760. I. S. Nos. 9702, 9703. S. No. 4000.)

Samples of canned turnip greens from the shipment herein described having been found to be decomposed, and a portion thereof having been found to be labeled with unwarranted health claims, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Virginia.

On January 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 438 cases of canned turnip greens, remaining in the original unbroken packages at Lynchburg, Va., alleging that the article had been shipped by the Pomona Products Co., Griffin, Ga., on or about November 29, 1930, and had been transported from the State of Georgia into the State of

Virginia, and charging adulteration with respect to a portion of the article, and adulteration and misbranding with respect to the remainder, in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Georgia Belle Brand Fancy Quality Turnip Greens * * * Packed by Pomona Products Co., Griffin, Ga." A portion of the article was further labeled: "Greens Are High in Iron Content Eat Greens to Insure Good Health."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

Misbranding was alleged with respect to a portion of the article contained in 290 cases for the reason that the label bore statements regarding the curative and therapeutic effects of the said article, which were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. This misbranding charge was based on the recommendation by this department that the charge be brought that the statement on the label of a portion of the product, "Eat Greens to Insure Good Health," was false and fraudulent.

On March 23, 1931, the Pomona Products Co., Griffin, Ga., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered finding the product adulterated, and ordering that it be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned that it be reprocessed under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18408. Misbranding of cottonseed meal. U. S. v. Rose City Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. No. 25681. I. S. No. 037377.)

Examination of samples of cottonseed meal from the shipment herein described having shown that the article was deficient in protein and was short weight, i. e., it contained less than 43 per cent of protein, and the sacks contained less than 100 pounds net, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Arkansas.

On October 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Rose City Cotton Oil Co., a corporation, Little Rock, Ark., alleging shipment by said company, in violation of the food and drugs act, as amended, on or about March 29, 1930, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "100 Pounds Net 'Chickasha Prime' * * * Guaranteed Analysis: Protein, not less than 43% * * * Manufactured by or for Chickasha Cotton Oil Company, Chickasha, Oklahoma."

It was alleged in the information that the article was misbranded in that the statements, to wit, "Guaranteed Analysis: Protein, not less than 43%" and "100 Pounds Net," borne on the tags attached to the sacks containing the article, were false and misleading in that they represented that the article contained not less than 43 per cent of protein and that each of the sacks contained not less than 100 pounds net of the article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein and that each of the said sacks contained not less than 100 pounds net of the article; whereas it contained less than 43 per cent of protein, namely, 40.19 per cent of protein, and each of the sacks did not contain 100 pounds net of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 17, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18409. Misbranding of beef and bone scrap. U. S. v. 50 Bags of Beef and Bone Scrap. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24741. I. S. No. 028192. S. No. 3099.)

Samples of beef and bone scrap from the shipment herein described having been found to contain less than 50 per cent of protein, the amount declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On April 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 bags of beef and bone scrap, remaining in the original unbroken packages at Dagsboro, Del., alleging that the article had been shipped by the Consolidated By-Product Co., from Philadelphia, Pa., on or about March 29, 1930, and had been transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "100 pounds Consolidated Beef & Bone Scrap, Guaranteed Analysis Protein 50% Min. * * * Manufactured by Consolidated By-Product Co., * * * Phila."

It was alleged in the libel that the article was misbranded in that the statement, "Guaranteed Analysis Protein 50% Min.," borne on the label, was false and misleading, and deceived and misled the purchaser when applied to an article containing a less amount of protein.

On October 31, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18410. Adulteration and misbranding of canned cherries. U. S. v. 23 Cases of Canned Cherries. Default decree of forfeiture and destruction. (F. & D. No. 24612. I. S. No. 013810. S. No. 2951.)

Samples of canned cherries from the shipment herein described having been found to contain an excessive quantity of sugar sirup, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On March 14, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 cases of canned cherries at Toledo, Ohio, alleging that the article had been shipped by the Van Buren Canning Co., of Hartford, Mich., from Chicago, Ill., on July 26, 1929, and had been transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Van Buren County's Best Brand Red Sour Pitted Cherries in Heavy Syrup * * * Van Buren County Canning Co., Hartford, Michigan."

It was alleged in the libel that the article was adulterated in that it contained an excessive amount of sugar sirup which had been substituted in part for cherries.

Misbranding was alleged for the reason that the statement on the label, "Red Sour Pitted Cherries in Heavy Syrup," borne on the label, was false and misleading and deceived and misled the purchaser.

On March 7, 1931, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18411. Adulteration of tomato catsup. U. S. v. 49 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25244. I. S. No. 10637. S. No. 3539.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On October 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 49 cases of tomato catsup, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Frazier Packing Co., Elwood, Ind., on or about October 4, 1930, and had been transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "At-Last-A Brand Extra Fancy Pure Foods Tomato Catsup * * * Hensgen Peters Smith Co., Distributors, St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18412. Adulteration of canned pimientos. U. S. v. 114 Cases, et al., of Pimientos. Product ordered released under bond, the unfit portion to be destroyed and the remainder to be reconditioned. (F. & D. Nos. 25469, 25586. I. S. Nos. 10790, 10791. S. Nos. 3749, 3895.)

Samples of canned pimientos from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On December 10 and December 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 147 cases of canned pimientos, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Pomona Products Co., Griffin, Ga., in part on or about September 3, 1930, and in part on or about September 4, 1930, and had been transported from the State of Georgia into the State of Missouri, and charging adulteration in violation of the food and drugs act.

The portions of the article which were seized by the United States marshal were labeled in part, variously: (Jars) "Sunshine Brand Pimientos Pomona Products Co., Griffin, Ga. * * * First Quality;" "Altus The AJG * * * Pimientos The Amos-James Grocer Co., Distributors;" "White Ribbon Brand KS Co. * * * Pimientos Distributed by Krenning-Schlapp Grocer Co., St. Louis, Mo.;" "Liberty Brand * * * Sweet Red Peppers;" "Cedar Hill Brand * * * Pimientos Hassendeubel Grocery Co. Distributors St. Louis, Mo.;" "Clover Farm * * * G. & P. Co. Brand Pimientos Distributed by Clover Farm Stores National Headquarters Cleveland, Ohio;" "Topmost * * * Tibbitts-Hewitt Grocery Co., Distributors, St. Louis, Mo. Red Pimientos."

It was alleged in the libels that the article was adulterated in that it consisted partly of a decomposed vegetable substance.

On March 13, 1931, the Pomona Products Co., Griffin Ga., having appeared as claimant for the property and having filed bonds in the sum of \$300, conditioned as provided by law, decrees were entered approving the bonds and ordering that the product be delivered to the claimant to be shipped to its plant at Griffin, Ga., and examined under the supervision of this department; that the portion unfit for human consumption be destroyed and the remainder reconditioned by sterilization, and that none of the said product be disposed of until inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18413. Adulteration of butter. U. S. v. 1 Car of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25259. I. S. No. 6062. S. No. 3370.)

Samples of butter from the shipment herein described having been found to fall below the standard provided by act of Congress, namely, to contain less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On August 19, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one car of butter, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by the Sugar Creek Creameries, Danville, Ill., on or about August 4, 1930, and had been transported from the State of Illinois into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter which the said article purported to be, and in that it contained less than 80 per cent by weight of milk fat.

On October 14, 1930, the De Coursey Cream Co., Wichita, Kans., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for salvaging under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18414. Adulteration of butter. U. S. v. 2 Cars of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25254. I. S. No. 6064. S. No. 3372.)

Samples of butter from the shipment herein described having been found to fall below the standard provided by act of Congress, namely, to contain less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On August 19, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two cars of butter, remaining in the original unbroken packages at Cincinnati, Ohio. It was alleged in the libel that one car of the said butter had been shipped by the Merchants Creamery Co., Springfield, Mo., on or about July 7, 1930, and had been transported from the State of Missouri into the State of Ohio, and that it was adulterated in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that it contained less than 80 per cent by weight of milk fat.

On October 15, 1930, the Summit City Creamery Co., Aurora, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for salvaging under the supervision of this department upon payment of costs and the execution of a good and sufficient bond conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18415. Adulteration of butter. U. S. v. 2 Cars of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25260. I. S. No. 6063. S. No. 3371.)

Samples of butter from the shipment herein described having been found to fall below the standard provided by act of Congress, namely, to contain less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On August 19, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two cars of butter, remaining in the original unbroken packages at Cincinnati, Ohio. It was alleged in the libel that one car of the said butter had been shipped by the Summit City Creamery Co., Aurora, Mo., on or about June 7, 1930 (July 19, 1930), and had been transported from the State of Missouri into the State of Ohio, and that it was adulterated in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that it contained less than 80 per cent by weight of milk fat.

On October 15, 1930, the Summit City Creamery Co., Aurora, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for salvaging under the supervision of this department upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18416. Adulteration of canned pimientos. U. S. v. 195 Cases of Pimientos. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25489. I. S. No. 9540. S. No. 3773.)

Samples of canned pimientos from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of New York.

On December 12, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 195 cases of pimientos, remaining in the original unbroken pack-

ages at Syracuse, N. Y., alleging that the article had been shipped by the Pomona Products Co., Griffin, Ga., on or about September 26, 1930, and had been transported from the State of Georgia into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jar) "Sunshine Brand * * * First Quality Pimientos Pomona Products Co., Griffin, Ga."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 3, 1931, the G. F. Hotaling Co. (Inc.), Syracuse, N. Y., having entered a claim for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be shipped to the Pomona Products Co., Griffin, Ga., to be reconditioned and salvaged under the supervision of this department and not sold or disposed of except in compliance with the law, both State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18417. Misbranding of chick meat and bone meal. U. S. v. 225 Bags of Chick Meat and Bone Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25345. I. S. No. 9593. S. No. 3610.)

Samples of chick meat and bone meal from the shipment herein described having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of New York.

On November 20, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 225 bags of chick meat and bone meal, remaining in the original unbroken packages at Fulton, N. Y., alleging that the article had been shipped by the Berg Co. (Inc.), Philadelphia, Pa., on or about August 8, 1930, and had been transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Berg's Chick Meat and Bone Meal 55 Protein Manufactured by The Berg Company, Inc., Philadelphia, Pa. Guaranteed Analysis, Min. Protein, 55%."

It was alleged in substance in the libel that the article was deficient in protein and was misbranded in that the labeling was false and misleading to the purchaser when applied to an article containing less protein than declared thereon.

On March 17, 1931, F. G. Ludington & Sons, Fulton, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$750, conditioned in part that it be relabeled, under the supervision of this department to show that the protein content was 45 per cent instead of 55 per cent.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18418. Adulteration of tomato catsup. U. S. v. 131 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25884. I. S. Nos. 19677, 19679. S. No. 4146.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Texas.

On or about March 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 131 cases of tomato catsup at Dallas, Tex., alleging that the article had been shipped by the Frazier Packing Co., from Elwood, Ind., on or about September 26, 1930, and had been transported from the State of Indiana into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottle) "Frazier's Fancy Superfine Tomato Catsup."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18419. Adulteration of canned turnip greens. U. S. v. 148 Cases, et al., of Canned Turnip Greens. Product released under bond to be reprocessed. (F. & D. Nos. 25768, 25802. I. S. Nos. 14544, 14545. S. Nos. 4016, 4051.)

Samples of canned turnip greens from the shipment herein described having been found to be sour and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 177 cases of canned turnip greens, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about November 25, 1930, and had been transported from the State of Georgia into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "IGA Brand Turnip Greens * * * Packed for Independent Grocers Alliance Distributing Co. Chicago, Illinois;" (case) "Perkins & Sharpe Tampa, Fla."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On March 18, 1931, the cases having come on before the court on answers filed by the Pomona Products Co., Griffin, Ga., praying release of the property under bond, decrees were entered ordering that the product be released upon the execution of bonds by the said Pomona Products Co., in the sum of \$660, conditioned in part that it be reprocessed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18420. Adulteration and misbranding of butter. U. S. v. 65 Tubs of Butter. Product ordered released under bond to be reconditioned. (F. & D. No. 25257. I. S. No. 7308. S. No. 3357.)

Samples of butter from the shipment herein described having been found to fall below the standard provided by act of Congress, namely, to contain less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On or about August 14, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 65 tubs of butter at Detroit, Mich., alleging that the article had been shipped by the Churdan Creamery Co., Churdan, Iowa, on or about July 26, 1930, and had been transported from the State of Iowa into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Churdan Creamery, Churdan, Iowa."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 16, 1930, A. F. Thibodeau & Co., Detroit, Mich., having appeared as claimant for the property, and the court having found that the allegations of the libel were true and that the product should be condemned and forfeited, a decree was entered permitting the claimant to recondition, salvage, and change, that is, rework, the product under the supervision of this department upon the filing of a bond in the sum of \$2,000, to insure compliance with the terms of the decree and payment of costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18421. Adulteration of candy. U. S. v. 15 Boxes of Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26074. I. S. No. 27738. S. No. 4340.)

The confectionery involved in the shipment herein described having been found to consist of hollow candies with small metallic prizes made partly of lead contained in the cavity, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On March 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 boxes of candy, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Puckhaber Bros. Candy Co., from Charleston, S. C., on or about January 28, 1931, and had been transported from the State of South Carolina into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Boxes) "120 Money Boxes Puckhaber Bros. Candy Co., Charleston, S. C.;" (display card inside box) "Try Your Luck Money Boxes 1 Cent Each. Open and Examine Before Purchasing."

It was alleged in the libel that the article was adulterated in that it contained a mineral substance, to wit, lead (in the form of metallic prizes), deleterious to health; and for the further reason that it contained an added deleterious ingredient, to wit, lead (in the form of metallic prizes), which might have rendered it injurious to health.

On May 4, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18422. Adulteration and misbranding of cheese. U. S. v. Swift & Co. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 25009. I. S. No. 020362.)

Samples of cheese from the shipment herein described having been found to be deficient in milk fat and short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Mississippi.

On October 10, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation trading at West Point, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 16, 1929, from the State of Mississippi into the State of Louisiana, of quantities of cheese which was adulterated and misbranded. The article was marked variously: "20½, 21¾, 23¾, 22, 23½, 21¾, 23¾, 23, 22, 20½, 21½, 21¼, 22¾, 21¾, 20½, 19¾, 20¼, 20¼, 20, 22½, 22¾, 20¼, 21¾, 20¾, 23, 20¼, 21¾, 23, 21¼, 19, 20¼, 22½, 21, 22¼, 22, 22, 20¼, 22."

It was alleged in the information that the article was adulterated in that a substance deficient in milk fat had been substituted for the said article, and for the further reason that milk fat, a valuable constituent of the article, had been in part abstracted.

Misbranding was alleged for the reason that the statements of the weight of the article, appearing on the packages, except the package bearing the declared weight "19," were false and misleading, in that the statements represented that the article contained in pounds the amount marked thereon, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained in pounds the amount marked thereon, whereas the said cheese, with the exception of the one marked "19," contained less than so labeled. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the actual contents of the packages were less than represented.

On April 7, 1931, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18423. Misbranding of butter. U. S. v. 160 Cases, et al., of Butter. Product ordered released under bond. (F. & D. Nos. 25274, 25275. I. S. Nos. 1664, 1670, 1671. S. Nos. 3493, 3494.)

Samples of print butter contained in 1-pound cartons, taken from the shipments herein described, having been weighed and found to be short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On October 6, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 198 cases of butter at El Paso, Tex., alleging that the article had been shipped by the Midwest Dairies (Inc.), from Portales, N. Mex., in part on or

about September 28, 1930, and in part on or about October 4, 1930, and had been transported from the State of New Mexico into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Carton) "Desert Gold Creamery Butter, Finest Quality Creamery Butter, Desert Gold Dairies, Inc., 1 Pound Net." The remainder of the said article was labeled in part: (Carton) "Gold Seal Butter, One Pound Net."

It was alleged in substance in the libels that the article was misbranded in that the statements on the labels of the retail packages were false and misleading and calculated to deceive and mislead the purchaser as to the actual net weight of the contents thereof, since the said packages did not contain 1 pound net weight of butter, but did contain less than 1 pound net weight.

On October 7, 1930, the Midwest Dairies (Inc.), Portales, N. Mex., having applied to the court for release of the product under bond, and the court having found that the claimant was entitled to possession of the goods upon complying with the terms and conditions of the statute applicable, decrees were entered ordering that the product be delivered to the claimant upon the execution of bonds totaling \$1,000. On October 11, 1930, the claimant having complied with the terms of the bonds, on motion of the United States attorney, the libels were ordered dismissed upon payment of costs by the said claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18424. Adulteration of canned blueberries. U. S. v. 997 Cases, et al., of Canned Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25924. I. S. Nos. 17279, 17280 S. No. 4177.)

Samples of canned blueberries from the shipments herein described having been found to contain maggots and worms, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,416 cases of canned blueberries at Chicago, Ill., alleging that the article had been shipped by M. L. Caler, from Columbia, Me., in part on or about August 28, 1930, and in part on or about September 22, 1930, and had been transported from the State of Maine into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pleasant River Brand Maine Blueberries Packed by M. L. Caler, Addison, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On May 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18425. Misbranding of cottonseed meal and cottonseed cake. U. S. v. John Guitar (Continental Oil-Cotton Co. and Continental Cotton Oil Co. Plea of guilty. Fine, \$175. (F. & D. No. 23755. I. S. Nos. 04718, 04727, 04754, 04761, 05012, 07401, 07407.)

Samples of cottonseed meal and cake from the shipments herein described having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Texas.

On July 10, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against John Guitar, Colorado, Tex., alleging shipment by said defendant under the name of the Continental Oil-Cotton Co., on or about November 10, November 20, November 22, November 24, November 27, and December 4, 1928, from the State of Texas in part into the State of Colorado, and in part into the State of Nebraska, and also shipment by said defendant under the name of the Continental Cotton Oil Co., on or about November 8, 1928, from the State of Texas into the State of Kansas, of quantities of cottonseed meal and cottonseed cake which were misbranded. Portions of the articles were labeled in part: (Tags) "43% Protein Cottonseed Meal [or "Cake"] * * * Manufactured By Continental Oil-Cotton Company Colorado, Texas, Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent." A portion of the cottonseed meal was labeled in part: (Tag) "Interstate Brand 43% Protein Cotton Seed Cake

and Meal * * * Guaranteed Analysis Crude Protein, not less than 43% * * * Made for Interstate Feed Company, Fort Worth—Texas."

It was alleged in the information that the articles were misbranded in that the statements, "43% Protein Cottonseed Meal," "43% Protein Cottonseed Cake," and "43% Protein Cotton Seed * * * Meal," as the case might be, with respect to various portions of the products, and the statement, "Guaranteed Analysis Crude Protein, not less than 43%," with respect to all lots of the said products, appearing on the tags, were false and misleading in that the said statements represented that the articles were cottonseed meal or cottonseed cake containing not less than 43 per cent of protein; and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were cottonseed meal or cottonseed cake containing not less than 43 per cent of protein, whereas they were not, but were cottonseed meal and cottonseed cake containing less than 43 per cent of protein.

On September 29, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$175.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18426. Alleged adulteration and misbranding of Bred Spred. U. S. v. 10 Cases, et al., of Bred Spred. Claim and answer filed. Case tried to the court and a jury. Directed verdict for claimant. Libel ordered dismissed. Appeal by Government. Judgment of District Court affirmed by Circuit Court of Appeals. (F. & D. No. 21430. I. S. Nos. 14428-x to 14431-x, incl. S. No. C-5279.)

Examination of samples of Bred Spred showed that the article consisted essentially of fruit, sugar, pectin, and a small amount of tartaric acid. The samples examined were of assorted fruit flavors and contained 22 per cent of fruit in the strawberry product, 21 per cent of fruit in the raspberry product, 20 per cent of fruit in the peach product, and 30 per cent of fruit in the blackberry product. The article had the consistency and appearance of jam. This department deemed that it was an imitation of jam, a product which should be prepared from not less than 45 pounds of fruit to each 55 pounds of sugar, evaporated to suitable consistence.

On February 8, 1927, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 cases of Bred Spred of assorted flavors, remaining in the original unbroken packages at Davenport, Iowa, alleging that the article had been shipped by the Glaser, Crandell Co., Chicago, Ill., in the month of October, 1926, and had been transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, pectin, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of jam, and for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the retail packages in which the product was inclosed bore labels upon which appeared the statement, "Bred Spred, Strawberry [Raspberry, Peach, Pineapple or Blackberry, as the case might be] Flavor," which statement was false and misleading and deceived and misled the purchaser, in that it represented that the article was pure jam, whereas it was not jam but was a compound of pectin, fruit, and sugar. Misbranding was alleged for the further reason that the retail packages in which the article was inclosed bore labels upon which appeared pictorial designs or devices of fruit which deceived and misled the purchaser into the belief that the article was strawberry, raspberry, peach, pineapple, or blackberry jam, as the case might be, whereas it was not jam but was a compound of pectin, fruit, and sugar. Misbranding was alleged for the further reason that the said retail package, the metal cap and the manner in which the said cap was sealed on the package, together with the label bearing the statements, designs, and devices, viz, "Bred Spred, Glaser, Crandell Co., 1925 Net Weight 14½ Ounces Strawberry, [Raspberry, Peach, Pineapple, or Blackberry, as the case might be] Flavor, Glaser, Crandell Co., Chicago," and the pictorial design of fruit, were false and misleading.

On March 10, 1927, the Glaser, Crandell Co., Chicago, Ill., entered an appearance in the case and filed a claim for the product and an answer to the libel. On April 5, 1930, the claimant filed a substituted answer alleging: First, that the issues in the instant case had been adjudicated and found adverse to the Government in a case instituted in the United States District Court for the Eastern District of Michigan, in which case the libel filed against a quantity of the product had been dismissed by order of the District Court, and in which the Government's appeal from the said order had been dismissed by the Circuit Court of Appeals for the Sixth Circuit (N. J. No. 17351); and second, denying each and every adulteration and misbranding charge contained in the libel.

On April 8, 1930, the Government moved to strike all of the first division of the substituted answer relating to the Michigan judgment, on several grounds, the principal ones of which were that the Michigan judgment was a separate and distinct cause of action, that the parties were different, and that the Michigan judgment was not on the merits; and also moved to strike paragraph 7 of the second division on the grounds that it was argumentative, contained foreign and redundant matter and was a pleading of evidence and conclusions of law, and not of ultimate facts.

The Government's motion to strike was argued by counsel and taken under advisement by the court and decided in favor of the Government, the court (Dewey, J.):

The motion of the United States of America to strike from the substituted answer of the claimant, Glaser, Crandell Co., all of the first division of the answer and all of the 7th allegation of the 2d division of the substituted answer except of course the four lines thereof, being argued and submitted, the motion is sustained, to all of which the answering claimants, Glaser, Crandell Co., except, and permission is granted to the said claimants to offer their formal proof with reference to the matter of *res adjudicata* in order that the same may be preserved in the record.

On April 10, 1930, a jury was impaneled and the case came on for trial. On April 11, 1930, at the end of the Government's case, on motion of the claimant for a directed verdict, the court granting same instructed the jury as follows (Dewey, J.):

Gentlemen of the Jury: I have told these gentlemen that I can't see where there are any questions of fact here to be submitted to you, and I am directing the jury to return a verdict in favor of the defendant. I can see how this claim might be made that this product might be mistaken for jam, but we are discussing a law which Congress has laid down, and the law has reference to misbranding an article. There isn't any misbranding on these goods here. The statement is that it is Bred Spred. It doesn't claim that it is jam. It doesn't say anything on there that isn't true, in other words, so I can't see where there is any misbranding about it at all. It is certainly not adulterated. So I can't see any questions of fact to be submitted to the jury. The claimants here have asked that the jury be directed to return a verdict in their favor and the motion is sustained, so you will return such verdict under my direction.

The attorneys for the claimant, the Glaser, Crandell Co., having duly made a motion to direct the jury to return a verdict in its favor, the court having heard the arguments of counsel for the respective parties, and being advised in the premises does hereby order, adjudge, and decree that the libel herein be and the same is hereby dismissed for want of proof of adulteration of the libeled goods herein within the meaning of section 7 of the food and drugs act, and misbranding of the libeled goods within the meaning of section 8 of the food and drugs act, and motion for directed verdict is sustained, and the jury under the direction of the court authorized and directed to return a verdict in favor of the claimant company. To all of which the United States duly excepts and the exception is allowed.

Notice being given by the parties that an appeal is probable, the court withholds any order for the restitution of the goods, but upon motion within a reasonable time for such an order, unless appeal is promptly had, such an order for releasing of the goods will issue.

The jury thereupon returned a verdict in favor of the claimant in accordance with the instructions of the court.

On July 5, 1930, the Government filed a petition for appeal and assignment of errors, and on the same date the court ordered that appeal be allowed to the United States Circuit Court of Appeals for the Eighth Circuit. On March 25, 1931, the Circuit Court of Appeals affirmed the judgment of the lower court in the following opinion (Booth, Cir. J.):

This is an appeal from a judgment after a directed verdict in favor of claimant, Glaser, Crandell Co., intervenor, in a libel by the United States against Ten Cases, More or Less, of Bred Spred, Strawberry Flavor, and other articles of food of similar character.

The libel proceedings were brought by virtue of the Food and Drugs Act, 21 USCA (34 St. 768). The libel contained three charges of adulteration and five charges of misbranding. The product involved was a food product, its use being indicated by its name.

The libel alleged a shipment in interstate commerce of the Bred Spred by the Glaser, Crandell Co.; and prayed for a seizure of the product for condemnation and confiscation.

The provisions of the statute here deemed material are set out in the margin. [See the following paragraph.]

"SECTION 8. Adulterated articles. For the purposes of sections 1 to 15, inclusive, of this title, an article shall be deemed to be adulterated; * * * Food. In the case of food: Injurious mixtures.—First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. * * * Damage or inferiority concealed.—Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed. * * * SECTION 9. Misbranded; meaning and application. The term 'misbranded,' as used in sections 1 to 15, inclusive, of this title, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced. * * * SECTION 10. Misbranded articles. For the purposes of sections 1 to 15, inclusive, of this title, an article shall be deemed to be misbranded; * * * Foods. In the case of food: Imitation or use of name of other article.—First. If it be an imitation of or offered for sale under the distinctive name of another article. * * * False or misleading statements on package or label as to ingredients or substances.—Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular. An article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases: Mixtures or compounds under distinctive names.—First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced. Articles labeled, branded as compounds, imitations, or blends; construction of term 'blend'; disclosure of trade formulas of proprietary foods.—Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word 'compound,' 'imitation,' or 'blend,' as the case may be, is plainly stated on the package in which it is offered for sale. The term 'blend' as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only. Nothing in sections 1 to 15, inclusive, of this title shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of such sections may require to secure freedom from adulteration or misbranding.

The answer set up an estoppel by reason of the record of a similar suit in the United States District Court for the Eastern District of Michigan, including a judgment of dismissal on the merits and a dismissal of an appeal by the United States, said record being set out at length in the answer. Denials of the charges of adulteration and misbranding were also set up in the answer.

On motion of the United States, the trial court, in the case at bar, struck out all that part of the answer relating to the alleged estoppel based on the record of the Michigan case.

A trial was had on the merits and at the close of the evidence introduced by the United States, on motion of the claimant, Glaser, Crandell Co., a verdict was directed in its favor and judgment entered dismissing the libel for want of proof of adulteration or misbranding.

The present appeal followed.

The facts, either admitted or shown by the testimony, are, as appears from the record, substantially as follows: Bred Spred, Strawberry Flavor, contains 17 parts of strawberries, 55 parts of sugar, $11\frac{1}{2}$ parts of water, $\frac{1}{4}$ part of pectin, and .04 of a part of tartaric acid. Pectin is a fruit product found in considerable quantities in apples, and in different amounts in different fruits. It has the effect, if there are proper amounts of water, sugar, and acid present, to form a jelly. In a product such as Bred Spred, it forms a jelly with the water, sugar, and acid present, and keeps the fruit distributed—keeps it from floating to the top. Tartaric acid is a natural fruit acid and has nothing harmful in it. There is nothing harmful or deleterious in the product Bred Spred. It has some food value and some nutritive value. The label on the jars containing Bred Spred was in part as follows: "Bred Spred [pictorial design of fruit] strawberry * * * Flavor, Glaser, Crandell Co. Chicago, Net weight 4 pounds." There were other flavors such as peach, pineapple, blackberry, etc.

The jars of Bred Spred here in controversy had been shipped in interstate commerce. Jam is considered by manufacturers as not less than 45 parts of fruit to 55 parts of sugar. Housekeepers usually make jam of 50 per cent fruit and 50 per cent sugar.

In addition to the foregoing facts, appearing in the record, there were introduced exhibits, about eight in number, consisting of jars of jam and jars of Bred Spred, the latter being part of those seized and sought to be condemned and confiscated. None of these exhibits have been brought before this court.

The main contentions of appellant in this case are that the trial court erred in not submitting the questions of adulteration and misbranding to the jury.

The claimant not only opposes these contentions, but urges affirmatively that both questions were res adjudicata by reason of the Michigan judgment, and asks that this court so hold.

We take up first this request of the claimant.

It is to be noted that the claimant made no cross-assignments of error, and took no cross-appeal. Perhaps this was not feasible, inasmuch as the judgment was in claimant's favor and was not divisible into parts. (Zoline's Fed. App. Juris. & Proc. [3rd ed.] sec. 138). However, claimant contends that inasmuch as the record of the Michigan case is in the record of the present case, this court should examine the same and pass upon the question of res adjudicata.

That the Supreme Court of the United States would have power so to do, if the appeal were pending before it, appears to be settled. *Langnes v. Green*, 282 U. S. 531; *Story Parchment Co. v. Paterson Parchment Paper Co.*, 282 U. S. 555.

Whether this court has such power, we need not decide. Even conceding the existence of the power, we think it should not be exercised in the instant case.

It has long been the general rule of practice in law cases in the Federal courts that questions decided adversely to the defendant in error (now the appellee), in the course of the trial in the lower court, will not be considered in the Appellate Court, in the absence of a cross-appeal. *Cleary v. Ellis Foundry Co.*, 132 U. S. 612; *Bolles v. Outing Co.*, 175 U. S. 262, 268; *Pauly, etc. Co. v. Hemphill Co.*, 62 F. 698, 703; *Guarantee Co. of N. A. v. Phenix Ins. Co.*, 124 F. 170 (CCA 8); *Aetna Ind. Co. v. J. R. Crowe, etc. Co.*, 154 F. 545, 567 (dissenting opinion) (CCA 8); *Midland Valley R. Co. v. Fulgham*, 181 F. 91, 95 (CCA 8); *Phil. Gas Co. v. Fechheimer*, 320 F. 401, 418; see *Peoria Ry. Co. v. U. S.*, 263 U. S. 528, 535, 536; *The Maria Martin*, 12 Wall. 31, 40; *Board of Co. Comm'rs v. Hurley*, 169 F. 92 (CCA 8); *O'Neil v. Wolcott Min. Co.*, 174 F. 527, 535 (CCA 8); *Swig v. Tremont Tr. Co.*, 8 F. (2d) 943, 945.

While libel proceedings such as the one in the case at bar are likened in the statute (21 USCA, sec. 14) to proceedings in admiralty, yet this similarity is largely confined to the seizure of the property by process in rem. The method of review follows the practice in law actions. 443 Cans of Egg Product v. United States, 226 U. S. 172, 183; *United States v. 779 Cases of Molasses*, 174 F. 325 (CCA 8); *U. S. v. Hudson Mfg. Co.*, 200 F. 956; *Lexington, etc. Co. v. United States*, 202 F. 615 (CCA 8).

In view of these considerations, we think the question of *res adjudicata* presented by the claimant should not be reviewed by us.

We turn to the questions presented by the appellant.

The purpose of the Food and Drugs Act is well established. In *U. S. v. Lexington Mill Co.*, 232 U. S. 399, the court, in its opinion, used the following language (p. 409): "The statute upon its face shows, that the primary purpose of Congress was to prevent injury to the public health by the sale and transportation in interstate commerce of misbranded and adulterated foods. The legislation, as against misbranding, intended to make it possible that the consumer should know that an article purchased was what it purported to be; that it might be bought for what it really was and not upon misrepresentations as to character and quality. As against adulteration, the statute was intended to protect the public health from possible injury by adding to articles of food consumption poisonous and deleterious substances which might render such articles injurious to the health of consumers."

The position of the appellant is thus stated by its counsel in their brief: "In the instant case there is no charge against the name 'Bred Spred' as such, but against the adulteration of the article because it was mixed so as to conceal its inferiority, and the misbranding of the article because it was an imitation of another article, jam."

The statutory provision relied upon as to adulteration reads: "Damage or inferiority concealed.—Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed."

It is apparent that two things were required to be proven in the case at bar, as respects adulteration: First, that Bred Spred was a damaged or an inferior food product, because one or more of its constituents was damaged or inferior; second, that it was mixed in a manner whereby the inferiority was concealed. There was no proof of either of these matters. There was no proof that Bred Spred contained any damaged or any harmful or deleterious substance. The word "inferiority" in the statute raises the question, what is the other member of the comparison; or, in other words, the question, "Inferior to what?" The use of the word "damage" in connection with the word "inferiority" is significant. The word "damage" in this connection means that an ingredient has suffered a loss of strength or quality; the word "inferiority" means that an ingredient is, in the first instance, of low grade or quality. Nothing of this kind is shown by the evidence as to the elements going to make up Bred Spred. The strawberries, the sugar, the pectin, the tartaric acid, the water, were none of them, so far as the evidence shows, either damaged or of low grade; nor was the resulting product either damaged or of low grade quality. The mere fact that the product contained fewer strawberries than some other product, e. g., jam, does not show that Bred Spred was inferior to jam; nor does it show that a comparison with jam was called for by the statute unless Bred Spred was being palmed off on the public as jam. No showing of this kind was made.

As to the matter of misbranding, the evidence clearly shows that the label contained no false or misleading statements; and, therefore, did not come within that definition of misbranding contained in section 10 of the statute. But the Government contends that misbranding, under section 10, includes imitation of some other article, and that, in this case, Bred Spred was an imitation of jam. Conceding, but without deciding, that the construction of the statute contended for by the Government is correct, yet there is no evidence in the case that Bred Spred was an imitation of jam. Such imitation would, naturally, be disclosed by the tests of appearance, of taste, of smell. But, although there were introduced in evidence, in the trial court, physical exhibits consisting of jars of Bred Spred and jars of jam, these physical exhibits have not been brought by the Government to this court. Nor is there other evidence in the case showing imitation. On such a record, we cannot hold that the ruling of the trial court was error.

One other matter is called to our attention by appellant. The Government offered to show by one of its witnesses, a grocer, "that a product consisting of 17 parts of strawberry, 55 parts of sugar, 11½ parts of water, one-fourth part of pectin and a small amount of tartaric acid, is an imitation of strawberry jam." Objection was made to this offer and the objection was sustained. We think there was no error in the ruling. The matter was not one calling for expert testimony, and especially so when the physical articles themselves were present in court.

We find no error in the record, and the judgment is accordingly affirmed.

Filed March 25, 1931.

The Government immediately filed in the Circuit Court of Appeals a petition for a hearing, which petition was denied without an opinion by the court on May 4, 1931.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18427. Adulteration of canned prunes. U. S. v. 498 Cases of Canned Prunes. Judgment of condemnation, forfeiture, and destruction. (F. & D. No. 26012. I. S. No. 23998. S. No. 4257.)

Samples of canned prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Oklahoma.

On March 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 498 cases of canned prunes at Enid, Okla., consigned by the Ray-Maling Co., Hillsboro, Oreg., October 7, 1930, alleging that the article had been shipped in interstate commerce from Hillsboro, Oreg., into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Santa Fe Brand Italian Prunes * * * Packed for the Ranney-Davis Mercantile Co. * * * Enid, * * * Oklahoma."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 15, 1931, the Ranney-Davis Mercantile Co., Enid, Okla., having withdrawn its motion to quash the motion and having by leave of court filed its answer, the court, after hearing evidence and testimony of witnesses, found that the averments of the libel were true as alleged therein and that the product had been packed and sold to the intervener under a written guarantee that it complied with the Federal food and drugs act. Judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed and that the costs of the proceedings be assessed against the said Ranney-Davis Mercantile Co.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18428. Adulteration of canned salmon. U. S. v. 28 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25337. I. S. No. 17451. S. No. 3615.)

Samples of canned salmon from the shipment herein described having been found to be putrid, tainted, or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Mississippi.

On November 19, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 cases of canned salmon, remaining in the original unbroken packages at Columbus, Miss., alleging that the article had been shipped by the E. H. Hamlin Co., Seattle, Wash., on or about August 27, 1930, and had been transported from the State of Washington into the State of Mississippi, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Silver Sea Brand Pink Salmon * * * Packed For West Sales Inc., Seattle."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 13, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18429. Adulteration and misbranding of meat scraps. U. S. v. Norfolk Tallow Co. Plea of nolo contendere. Fine, \$25. (F. & D. No. 21608. I. S. Nos. 13521-x, 13547-x, 13548-x.)

Samples of meat scraps for poultry from the shipments herein described having been found to contain less protein and more phosphoric acid than declared on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 25, 1927, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Norfolk Tallow Co., a corporation, Norfolk, Va., alleging shipment by said company, in violation of the food and drugs act, on or about October 6, 1926, from the State of Virginia into the State of Georgia; and on or about January 10, 1927, from the State of Virginia into the State of Florida, of quantities of meat scraps which were adulterated and misbranded. The article was labeled in part: (Sacks) "Notalco Extra Quality Meat Scraps [or "AA High Grade Meat Scraps"] For Poultry, Guaranteed Analysis Protein Min. 55% [or "45%"] * * * Phos. Acid Max. 10%, Manufactured by Norfolk Tallow Co. Norfolk, Va."

It was alleged in the information that the article was adulterated in that substances, namely, meat and bone meal containing less than 55 per cent or 45 per cent, as the case might be, of protein, and more than 10 per cent of phosphoric acid, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted for the said article.

Misbranding was alleged for the reason that the statements, to wit, "Extra Quality Meat Scraps," "Guaranteed Analysis Protein Min. 55% * * * Phos. Acid Max. 10%," with respect to a portion of the product, and the statements, to wit, "High Grade Meat Scraps," and "Guaranteed Analysis Protein Min. 45% * * * Phos. Acid Max. 10%," with respect to the remainder, borne on the labels, were false and misleading in that they represented that the article was extra quality or high-grade meat scraps containing not less than 55 per cent, or 45 per cent, as the case might be, of protein, and not more than 10 per cent of phosphoric acid; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was extra quality or high-grade meat scraps, containing not less than the said declared amounts of protein, and not more than 10 per cent of phosphoric acid; whereas the article was not extra quality or high-grade meat scraps containing the declared amounts of protein and phosphoric acid, but was meat and bone meal containing less protein and more phosphoric acid than represented.

On September 25, 1930, a plea of *nolo contendere* was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18430. Adulteration of rabbits. U. S. v. 2 Boxes of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25470. I. S. No. 8904. S. No. 3750.)

Samples of rabbits from the shipment herein described having shown evidence of decomposition and certain diseased conditions, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On December 11, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two boxes of rabbits at Buffalo, N. Y., alleging that the article had been shipped by William and Thomas Mitchell, Carlton, Kans., on or about December 3, 1930, and had been transported from the State of Kansas into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18431. Adulteration of rabbits. U. S. v. 67 Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25478. I. S. No. 8906. S. No. 3769.)

Samples of rabbits from the shipment herein described having shown evidences of decomposition and certain diseased conditions, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On December 11, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 67 rabbits at Buffalo, N. Y., alleging that the article had been shipped by T. S. Wilson, from Spickard, Mo., on or about December 4, 1930, and had been transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18432. Adulteration of canned prunes. U. S. v. 150 Cases of Canned Prunes. Default decree of condemnation and destruction. (F. & D. No. 25932. I. S. No. 24032. S. No. 4161.)

Samples of canned prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On or about February 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 cases of canned prunes, remaining in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped by the Eugene Fruit Growers Association, from Eugene, Oreg., on or about November 26, 1930, and had been transported from the State of Oregon into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Winwood Brand Italian Prunes * * * The Winfield Wholesale Grocery Co., Distributors, Wichita, * * * Kansas."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On May 20, 1931, no claimant having appeared for the property, a decree was entered by the court, which was amended on June 22, 1931. The decree as amended found the product adulterated and ordered that it be condemned and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18433. Adulteration and misbranding of frozen egg yolks. U. S. v. 962 Cans of Frozen Egg Yolks. Product ordered released under bond to be relabeled. (F. & D. No. 26255. I. S. No. 28308. S. No. 4590.)

Samples of canned frozen eggs from the shipment herein described having been found to contain added undeclared sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On April 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 962 cans of frozen egg yolks, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the H. J. Keith Co. (Inc.), from Minneapolis, Minn., on or about March 7, 1931, and had been transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Packed in Minneapolis, Minn. Keiths Eggs Ovisco."

It was alleged in the libel that the article was adulterated in that egg yolks containing added sugar had been substituted for the said article.

Misbranding was alleged for the reason that the statement on the label, "Eggs," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 6, 1931, the H. J. Keith Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered ordering that the product be released to the said claimant to be relabeled under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it should not be disposed of in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18434. Adulteration of canned tuna. U. S. v. 15 Cases of Canned Tuna. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24437. I. S. No. 021892. S. No. 2699.)

Samples of canned tuna fish from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 13, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cases of canned tuna, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Westgate Sea Products Co., from San Diego, Calif., on or about November 18, 1929, and had been transported from the State of California into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Alamo Brand Tuna * * * Packed By Westgate Sea Products Company, San Diego, California."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On July 7, 1930, the Westgate Sea Products Co., San Diego, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned upon compliance with all orders and decrees of the court. It was further ordered by the court that the product be shipped to San Diego, Calif., and examined under the supervision of this department and the unfit portion destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18435. Adulteration of butter. U. S. v. 34 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24886. I. S. No. 027436. S. No. 3198.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On June 12, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 tubs of butter, remaining in the original unbroken packages at Worcester, Mass., consigned about June 3, 1930, alleging that the article had been shipped by the Peter Fox Sons Co., Chicago, Ill., and had been transported from the State of Illinois into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter should contain not less than 80 per cent by weight of milk fat.

On July 14, 1930, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reshipped to Chicago, Ill., and reprocessed under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18436. Adulteration and misbranding of butter. U. S. v. Armour & Co., of Delaware (Armour Creameries). Tried to the court and a jury. Verdict of guilty. Fine, \$300. (F. & D. No. 25013. I. S. No. 010324.)

Samples of butter from the shipment herein described having been found to be short weight and deficient in milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On June 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Armour & Co. of Delaware, a corporation, trading as Armour Creameries at Jackson, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, on or about July 6, 1929, from the State of Mississippi into the State of Alabama, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Armour's Clover-bloom * * * Butter * * * 1 Lb. Net Weight."

It was alleged in the information that the article was adulterated in that a substance deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as defined and required by the act of Congress of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter" and "1 Lb. Net Weight," borne on the carton, were false and misleading in that they represented that the article was butter, namely, a product containing not less than 80 per cent of milk fat, and that each of the said cartons contained 1 pound net thereof; and for the further reason that the article was labeled as aforesaid so as deceive and mislead the purchaser into the belief that it was butter, namely, a product containing not less than

80 per cent of milk fat, and that each of the said cartons contained 1 pound net thereof; whereas the product in each of a number of the said cartons contained less than 80 per cent of milk fat, and each of a number of the cartons contained less than 1 pound net of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the said packages contained less than represented.

On May 7, 1931, the case having come on for final disposition, and the court having refused to accept a plea of nolo contendere, a plea of not guilty was entered by counsel for the defendant company. A jury was thereupon impaneled, before which the Government introduced its evidence. Counsel for defendant having announced that no evidence would be introduced in rebuttal, the court instructed the jury that the case presented by the Government authorized a verdict of guilty. The jury, without retiring, returned a verdict of "Guilty as charged," and the court imposed a fine of \$100 on each of the three counts of the information.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18437. Adulteration of canned sweetpotatoes. U. S. v. 123 Cases, et al., of Canned Sweetpotatoes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26180, 26181. I. S. Nos. 16145, 16146. S. Nos. 4514, 4515.)

Samples of canned sweetpotatoes from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On April 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 152 cases of canned sweetpotatoes, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by H. L. Chase & Sons (Inc.), from Parksley, Va., on or about September 30, 1930, and had been transported from the State of Virginia into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Chase's Brand Sweet Potatoes * * * Packed by H. L. Chase & Sons, Inc., Parksley, Va."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 5, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18438. Adulteration and misbranding of butter. U. S. v. Joe Smith (Smith's Creamery and Smith's Creamery Co.). Plea of guilty. Fine, \$100. (F. & D. No. 25711. I. S. Nos. 923, 926, 1135.)

Examination of the three shipments of butter herein described having shown that the product involved in two of the shipments was short weight, and that the product in the third shipment fell below the standard provided by Congress, since it contained less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Idaho.

On May 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Joe Smith, trading as Smith's Creamery and as Smith's Creamery Co., Lewiston, Idaho, alleging shipment by said defendant, in violation of the food and drugs act, as amended, from the State of Idaho into the State of Washington, in various consignments, on or about July 18, 1930, July 19, 1930, and January 10, 1931, of quantities of butter, a portion of which was misbranded, and the remainder of which was adulterated. The article was labeled in part: (Packages) "Creamery Butter * * * Manufactured by Smith's Creamery Co., Lewiston, Idaho, * * * One Pound Net Weight."

Adulteration was alleged with respect to a portion of the article for the reason that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat, as required by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged in the information with respect to portions of the article for the reason that the statement, to wit, "One Pound Net Weight," borne on the label of the packages, was false and misleading in that the said statement represented that the packages each contained 1 pound of butter; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 1 pound of butter; whereas they did not, but did contain a less amount. Misbranding was alleged with respect to the said portions of the article for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was not correct.

On May 16, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18439. Adulteration of canned prunes. U. S. v. 419 Cases of Canned Prunes. Default decree of condemnation and destruction. (F. & D. No. 25938. I. S. Nos. 24040, 24041. S. No. 4169.)

Samples of canned prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On or about February 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 419 cases of canned prunes, remaining in the original unbroken packages at Liberal, Kans., alleging that the article had been shipped by the Ray-Maling Co., from Hillsboro, Oreg., on or about October 27, 1930, and had been transported from the State of Oregon into the State of Kansas, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Case) "Raybrook Brand Fresh Prunes Packed by Ray Maling Company, Inc. * * * Hillsboro, Oregon;" (can) "Raybrook Brand Fresh Prunes." The remainder of the said article was labeled in part: (Case) "Bar B Q Brand Prunes Packed for Jett & Wood Wichita, Kans.;" (can) "Bar B. Q. Brand Prunes."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On May 21, 1931, no claimant having appeared for the property, a decree was entered by the court, which was amended on June 22, 1931. The decree as amended adjudged the product adulterated, and ordered that it be condemned and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18440. Adulteration and misbranding of powdered egg yolk. U. S. v. 6 Cases of Powdered Egg Yolk. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26026. I. S. No. 12241. S. No. 4313.)

Examination of the powdered egg yolk from the shipment herein described having shown that the article contained added undeclared color, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On March 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 6 cases of powdered egg yolk, remaining in the original unbroken packages at Denver, Colo., consigned by the Bashaw-Arey Co., of San Francisco, Calif., from Kansas City, Mo., alleging that the article had been shipped on or about February 16, 1931, in interstate commerce from Kansas City, Mo., into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "COB San Francisco Option Baltimore Boston New York Philada From China Net 200 lbs. Contains 6½% added invert sugar."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 25, 1931, the Pacific Orient Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that

the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled, and that it should not be sold or otherwise disposed of contrary to the laws of the United States or of the State of Colorado.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18441. Adulteration and misbranding of dried egg yolk. U. S. v. 8 Cases of Dried Egg Yolk. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26145. I. S. No. 22076. S. No. 4448.)

Samples of dried egg yolk from the shipment herein described having been found to be artificially colored and to contain a lactose-bearing substance, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On March 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight cases of dried egg yolk, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped from New York, N. Y., on or about February 5, 1931, and had been transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "COB San Francisco From China, Contains 6½ Per cent Invert Sugar * * * Importers Comm. Co. * * * New York, N. Y."

It was alleged in the libel that the article was adulterated in that a substance consisting of dried egg yolk artificially colored, and a lactose-bearing substance had been substituted in part for the said article. Adulteration was alleged for the further reason that the article had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Contains 6½ Per cent Invert Sugar," borne on the label, was false and misleading and deceived and misled the purchaser when applied to an article containing a lactose-bearing substance. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 18, 1931, the Pacific Orient Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$650, conditioned in part that it be made to conform to the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18442. Adulteration and misbranding of canned frozen whole eggs. U. S. v. 475 Cans of Frozen Eggs. Product ordered released under bond to be reconditioned. (F. & D. No. 26152. I. S. No. 28333. S. No. 4473.)

Samples of canned frozen whole eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On March 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 475 cans of frozen eggs, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Merchant's Cold Storage Co., Cincinnati, Ohio, at the direction of the Alex Wilson Co., on or about September 15, 1930, and had been transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled: "Wilson's Quality Whole Eggs 30 Lbs. When Packed." The remainder of the said article was unlabeled.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 29, 1931, the Alex Wilson Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel and having consented to the condemnation

and forfeiture of the product, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of bond in the sum of \$1,500, conditioned in part that the fit portion be segregated and relabeled under the supervision of this department and that the unfit portion be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18443. Adulteration and misbranding of cereal meal. U. S. v. 1,810 Small Packages, et al., of Cereal Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26047. I. S. No. 12245. S. No. 4308.)

Examination of a product, known as cereal meal, having shown that the article consisted essentially of bran and a gelatinous material such as agar, and that the labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Colorado the shipments herein described, involving quantities of the product located at Denver, Colo.

On March 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,810 small packages and 3,020 large packages of cereal meal, remaining in the original unbroken packages at Denver, Colo., consigned by the Cereal Meal Corporation, St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., in part on or about January 23, 1930, and in part on or about September 16, 1930, and had been transported from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that agar or other gelatinous material had been mixed and packed with and substituted in part for cereal meal, which the said article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, cereal meal. Misbranding was alleged for the further reason that the statement on the label, "Cereal Meal," was false and misleading and deceived and misled the purchaser. It was further alleged in the libel that the article was misbranded in violation of section 8 of the act, paragraph 3, as amended, in the case of drugs, in that the following statements on the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "As a preventive Anything that Prevents Disease is Much Better Than Having To resort to regular treatment. The old saying 'An ounce of preventive is worth a Pound of Cure,' is wise. * * * The Ideal Health Food For Constipation and Evils Resulting therefrom. * * * For the relief of * * * Indigestion, Gastro-Intestinal Disorders and the many wretched conditions and symptoms that invariably accompany Constipation, * * * In Stubborn, Long-Standing Cases, * * * until the bowels become regular and normal. * * * For the Vast Majority of Cases of Constipation, Thus Relieving Much Indigestion, Chronic Appendicitis and Mucous Colitis Due Thereto. Cereal Meal stimulates to action the glands along the bowel and increases bowel peristalsis (worm-like movement of the bowels). It furnishes body to the stool which does not get hard and dry. Nerve force and blood supply become normalized, allowing nature to resume her perfect work. Many people suffer with chronic appendicitis and do not know it. * * * A diet * * * as Cereal Meal does, relieving the bowel of fecal masses and irritative gases, will in most cases relieve the trouble. The coarse grain in Cereal Meal increases the secretory powers of the stomach and intestinal glands and decreases fermentation and gas formation, thus relieving many forms of indigestion. Mucous Colitis is a catarrhal condition of the large intestine. * * * Cereal Meal cleans out the mucus, clears the bowel and aids the mucous membrane of the colon to return to normal. * * * Cereal Meal * * * nourishes the tissues, aids glandular action, stimulates the nerve endings and gives strength. * * * Constipation Often Cause of Children's Diseases;" (circular) "Eat Your Way to Health."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18444. Adulteration of poultry. U. S. v. 2 Barrels of Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26170. I. S. No. 20268. S. No. 4501.)

Samples of poultry from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On April 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2 barrels of poultry, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Fremont Beverage Co., from Fremont, Nebr., on or about June 16, 1930, and had been transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of decomposed birds.

On May 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18445. Adulteration and misbranding of canned frozen eggs. U. S. v. 560 Cans, et al., of Frozen Eggs. Product released under bond to be relabeled. (F. & D. Nos. 26172, 26207. I. S. Nos. 28328, 28334. S. Nos. 4507, 4527.)

Samples of canned frozen eggs from the shipments herein described having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On April 6 and April 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,075 cans of frozen eggs, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Jerpe Commission Co., from Omaha, Nebr., in part on or about January 5, 1931, and in part on or about February 19, 1931, and had been transported from the State of Nebraska into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Frigidegs Frozen, Strictly Fresh, Stir Eggs Well Before Using;" (tag) "Frigid Food Products, Inc., Packers * * * of Frigidegs * * * Gold Yolks [or "Mixed"] * * * Omaha, Nebr."

Adulteration was alleged in the libel filed with respect to a portion of the article for the reason that sugar had been substituted in part for the said article. Adulteration was alleged with respect to the remainder for the reason that frozen eggs containing added sugar had been substituted for the article.

Misbranding was alleged for the reason that the statements, "Frigidegs * * * Gold Yolks * * * Stir Eggs Well before using," with respect to a portion of the article, and the statements, "Frigidegs * * * Stir eggs well before using," with respect to the remainder, were false and misleading. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 11, 1931, the Frigid Food Products (Inc.), Detroit, Mich., having appeared as claimant for the property and having admitted that the article was improperly labeled, judgments were entered permitting the claimant to take custody of the said product for the purposes of relabeling it under the supervision of this department, upon the filing of bonds totaling \$1,000, and it was ordered by the court that the claimant pay all costs. On June 9, 1931, the product having been inspected and found to be relabeled in a manner meeting the requirements of this department, it was ordered released and the bonds were canceled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18446. Adulteration and misbranding of frozen eggs. U. S. v. 49 Cans of Frozen Eggs. Product released under bond to be relabeled. (F. & D. No. 26171. I. S. No. 28330. S. No. 4505.)

Samples of canned frozen eggs from the shipment herein described having been found to contain added undeclared sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On April 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 49 cans of frozen eggs, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Frigid Food Products (Inc.), from Detroit, Mich., on or about January 2, 1931, and had been transported from the State of Michigan into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Frigidegs Frozen * * * Stir Eggs Well before Using;" (tag) "Packed Exclusively By Frigid Food Products Inc., Packers * * * of Frigidegs Frozen * * * Gold Yolks * * * Omaha, Nebr."

It was alleged in the libel that the article was adulterated in that sugar had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Frigidegs * * * Gold Yolks * * * Stir Eggs Well Before Using," were false and misleading. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 11, 1931, the Frigid Food Products (Inc.), Detroit, Mich., having appeared as claimant for the property and having admitted that the article was improperly labeled, judgment was entered permitting the claimant to take custody of the product for the purpose of relabeling it under the supervision of this department, upon the filing of a bond in the sum of \$500, and it was further ordered by the court that the claimant pay all costs. On June 9, 1931, the product having been inspected and found to be relabeled in a manner meeting the requirements of this department, it was ordered released and the bond was canceled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18447. Adulteration and misbranding of frozen eggs. U. S. v. 232 Cans of Frozen Eggs. Product ordered released under bond to be relabeled. (F. & D. No. 26214. I. S. No. 28326. S. No. 4474.)

Samples of canned frozen eggs from the shipment herein described having been found to contain undeclared added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about April 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 232 cans of frozen eggs at Chicago, Ill., alleging that the article had been shipped by the Youngstown Warehouse Co., from Youngstown, Ohio, March 23, 1931, and had been transported from the State of Ohio into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Frozen Eggs * * * Yolks."

It was alleged in the libel that the article was adulterated in that a substance, frozen eggs containing added sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted partly for the said article.

Misbranding was alleged for the reason that the statements, "Frozen Eggs" and "Yolks," borne on the label, were false and misleading, and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

Armour & Co., Chicago, Ill., filed a claim and answer in the case, consenting to the entry of a decree condemning the product, but neither admitting nor denying the allegations of the libel. On April 21, 1931, a decree was entered adjudging the material allegations of the libel to be true and ordering that the product be released to the claimant upon the payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18448. Misbranding of Molo dairy feed. U. S. v. 150 Sacks of Molo Dairy Feed. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26162. I. S. No. 16726. S. No. 4486.)

Samples of dairy feed from the shipment herein described having been found to contain less protein and more fiber than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Wisconsin.

On March 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 sacks of Molo dairy feed at Columbus, Wis., alleging that the article had been shipped by the Molo Feed Mills from St. Paul, Minn., September 2, 1930, and had been transported from the State of Minnesota into the State of Wisconsin, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Molo Dairy Feed, Manufactured by Molo Feed Mills, St. Paul, Minn., Protein Not less than 16%, * * * Fiber not to exceed 12%."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Protein not less than 16%" and "Fiber not to exceed 12%," were false and misleading, since the article contained less than 16 per cent of protein and more than 12 per cent of fiber.

On May 11, 1931, F. A. Tuschen, Sun Prairie, Wis., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled, the court having found that the product might be legally sold if labeled, "Protein not less than 14½%" and "Fiber not to exceed 15½%."

ARTHUR M. HYDE, *Secretary of Agriculture.*

18449. Adulteration and misbranding of canned frozen whole eggs. U. S. v. 152 Cans of Frozen Whole Eggs, et al. Product ordered released under bond to be reconditioned. (F. & D. Nos. 26148, 26173. I. S. Nos. 28329, 28337. S. Nos. 4459, 4506.)

Samples of canned frozen eggs from the shipments herein described having been found to be decomposed, and certain portions having been found to bear no declaration of the quantity of the contents on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On March 31 and April 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 443 cans of frozen eggs, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Alex Wilson Co., from Cincinnati, Ohio, consigned in part on December 8, 1930, and in part on February 23, 1931, and had been transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding with respect to a portion of the article, and adulteration with respect to the remainder, in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Wilson's Quality Whole Eggs Net Wt. 30 Lbs. When Packed The Alex Wilson Co., Cincinnati, Ohio." The remainder of the said article was unlabeled except for storage marks.

Adulteration was alleged in the libel filed with respect to a portion of the article for the reason that it consisted in part of a decomposed animal substance, and with respect to the remainder for the reason that it consisted in part of a decomposed and putrid animal substance.

Misbranding was alleged with respect to portions of the article for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 29, 1931, R. C. Austin and E. H. Meyer, Pittsburgh, Pa., claimants, having admitted the allegations of the libels and having consented to the entry of decrees of condemnation and forfeiture, judgments were entered ordering that the product be released to the said claimants upon payment of costs and the execution of bonds totaling \$1,000, conditioned in part that the fit portions be segregated and relabeled under the supervision of this department, and that the unfit portions be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18450. Misbranding of frozen whole eggs. U. S. v. 24 Cans of Frozen Whole Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26147. I. S. No. 27894. S. No. 4460.)

Examination of the frozen whole eggs from the shipment herein described having shown that portions of the article were decomposed, also that the can labels bore no declaration of the quantity of the contents, the Secretary of Agri-

culture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 cans of frozen whole eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Land O'Lakes Creamery Co., alleging that the article had been shipped from Minnesota Transfer, Minn., on or about June 11, 1930, and had been transported from the State of Minnesota into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Whole Eggs."

It was alleged in the libel that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

In view of the fact that samples of the product had been found to be decomposed, this department recommended that the further charge be included in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance. The adulteration charge recommended was omitted, apparently through inadvertence.

On April 20, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded, and ordering that it be condemned, forfeited, and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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¹ Contains instructions to the jury.

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18451-18500

[Approved by the Secretary of Agriculture, Washington, D. C., March 5, 1932]

18451. Misbranding of Benetol suppositories. U. S. v. 10 Cartons of Benetol Suppositories. Default decree of destruction entered. (F. & D. No. 25919. I. S. No. 12021. S. No. 4123.)

Examination of a drug product, known as Benetol suppositories, from the shipments herein described having shown that the circular accompanying the article bore statements representing that it possessed antiseptic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On February 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 cartons of Benetol suppositories, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the Benetol Co., from Redondo Beach, Calif., on or about July 18, 1930 (part shipped September 6, 1930), and had been transported from the State of California into the State of Utah, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of a small proportion of a magnesium compound and a trace of alpha naphthol incorporated in theobroma oil. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the accompanying circular were false and misleading when applied to the said article, since bacteriological tests showed that it was not antiseptic: "Feminine Hygiene through powerful prophylactics * * * The true test of the absolute value of any germicide is its power to kill all germ life when it is actually being used in the human body. The ordinary test tube tests are carried on under artificial conditions, and do not tell us how the disinfectant would act in the body. Women of today want positive protection. They want to know exactly how completely the disinfectant will kill the germs when they use it. * * * Absolute sterility was produced by each of the Benetol products. All germ life of every description was killed, * * * Note the swift and complete disinfection below * * * Germ life in vagina per unit, 840,000. Five minutes after use of one Benetol Suppository, sterile * * * All forms of germ life killed."

On May 2, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18452. Adulteration and misbranding of Benetol tooth cream. U. S. v. 1 Dozen Tubes of Benetol Tooth Cream. Default decree of destruction entered. (F. & D. No. 26010. I. S. No. 12254. S. No. 4307.)

Examination of the Benetol tooth cream from the shipment herein described having shown that the labeling represented that the article possessed antiseptic properties and contained alcohol, whereas it was not antiseptic, and

contained no alcohol, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On March 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1 dozen tubes of Benetol tooth cream, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the Benetol Products Co., from Redondo, Calif., on or about May 18, 1929, and had been transported from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, soap, glycerin, a small proportion of salicylate and water, flavored with anise oil. No alcohol was present. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "antiseptic," whereas the strength of the said article fell below such professed standard, in that it was not antiseptic.

Misbranding was alleged for the reason that the following statements, appearing on the labels, were false and misleading when applied to an article which was not antiseptic, and which contained no alcohol: (Carton) "Benetol Internal and External Antiseptic Tooth Cream;" (tube) "A true antiseptic dentifrice. Alcohol 3 per cent * * * it possesses the antiseptic activity of contained benetol. This gives you * * * protection against bacteria that attack teeth and gums."

On May 2, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18453. Misbranding of Voco. U. S. v. 70 Bottles of Voco. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25518. I. S. No. 16337. S. No. 3789.)

Examination of a drug product, known as Voco, from the shipment herein described showed that the bottle and carton labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. The label also represented that the article was purely vegetable, whereas it was not.

On December 19, 1930, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70 bottles of Voco at Chicago, Ill., alleging that the article had been shipped by the Voght Laboratories, from Escanaba, Mich., November 1, 1930, and had been transported from the State of Michigan into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a small proportion of ammonium chloride, extracts of plant drugs, sugar, glycerin, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the bottle and carton labels and in the accompanying circular, were false and fraudulent, since the said statements were applied to the article so as to represent falsely and fraudulently to the purchasers, and create in the minds of such purchasers the impression and belief that the article was effective as a remedy for the diseases, ailments, and afflictions mentioned therein: (Circular) "Purely vegetable;" (carton and bottle) "Grippe * * * Preparation * * * Flu * * * Breaker the relief of Pleurisy * * * and attacks of Hay Fever;" (carton only) "Very effective in Asthma and Pleurisy * * * and aborts attacks of Hay Fever. For Hay Fever the full dose should be taken half hourly instead of hourly. * * * most coughs yield to it;" (circular) "Grippe Preparation." This department recommended that the charge be brought that the above statement from the circular, "Purely Vegetable," was false and misleading.

On June 13, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18454. Adulteration and misbranding of corrosive sublimate tablets, nitroglycerin tablets, pepsin and nux tablets, cinchophen tablets, and strychnine sulphate tablets. U. S. v. Elmira Drug & Chemical Co. Plea of guilty. Fine, \$300. (F. & D. No. 23726. I. S. Nos. 14746-x, 14747-x, 20305-x, 20306-x, 20307-x.)

Examination of the various drug tablets involved in the shipments herein described having shown that the corrosive sublimate tablets, the nitroglycerin tablets, and the cinchophen tablets contained smaller amounts of the respective agents than declared on the labels, that the pepsin and nux tablets contained less extract of nux vomica than labeled, and that the strychnine sulphate tablets contained more strychnine sulphate than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On June 24, 1929, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Elmira Drug & Chemical Co., a corporation, Elmira, N. Y., alleging shipment by said company, from the State of New York into the State of Pennsylvania, in violation of the food and drugs act, of quantities of corrosive sublimate tablets, nitroglycerin tablets, and pepsin and nux tablets shipped on or about March 8, 1928, and of quantities of cinchophen tablets and strychnine sulphate tablets shipped on or about March 17, 1928, which said products were adulterated and misbranded. The articles were contained in bottles labeled in part, variously: "Tablet * * * Corrosive Sublimate 1/100 Grain Elmira Drug & Chemical Co., Elmira, New York;" "Tablets Nitroglycerin. Each tablet represents 1/50 grains * * * Manufactured by The Elmira Drug & Chem. Co. Elmira, N. Y.;" "Tablets Pepsin & Nux * * * Ex Nux 1/10 gr. Plain. Elmira Drug & Chemical Co. Elmira, New York;" "Tablets Cinchophen 5 gr. Elmira Drug and Chemical Co. Elmira, New York;" "Tablets Strychnine Sulphate Each tablet represents 1/60 Grains * * * Elmira Drug & Chemical Company, Elmira, New York."

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, as follows: Each of the said corrosive sublimate tablets was represented to contain 1/100 grain of corrosive sublimate, whereas each of said tablets contained not more than 0.00838 grain of mercuric chloride, i. e., 1/130 grain of corrosive sublimate. Each of the said nitroglycerin tablets was represented to contain 1/50 grain of nitroglycerin, whereas each of said tablets contained not more than 0.00261 grain, i. e., 1/383 grain of nitroglycerin. Each of the pepsin and nux tablets was represented to contain 1/10 grain of extract of nux vomica, whereas each of the said tablets contained not more than 0.076 grain, i. e., 1/13 grain of extract of nux vomica. Each of the cinchophen tablets was represented to contain 5 grains of cinchophen, whereas each of said tablets contained not more than 4.409 grains of cinchophen. Each of the strychnine sulphate tablets was represented to contain 1/60 grain of strychnine sulphate, whereas each of the said tablets contained more than so represented, namely, not less than 0.0201, i. e., about 1/50 grain of strychnine sulphate.

Misbranding was alleged for the reason that the following statements, to wit, "Tablets * * * Corrosive Sublimate 1/100 grain," with respect to the corrosive sublimate tablets, "Each tablet represents 1/50 grain," with respect to the nitroglycerin tablets, "Tablets * * * Ex Nux 1/10," with respect to the pepsin and nux tablets, "Tablets Cinchophen 5 gr.," with respect to the cinchophen tablets, and "Strychnine Sulphate, Each tablet represents 1/60 grains," with respect to the strychnine sulphate tablets, borne on the labels, were false and misleading in that the said statements represented that the tablets each contained the amount of corrosive sublimate, nitroglycerin, nux vomica, cinchophen, or strychnine sulphate (as the case might be), declared on the label, whereas the said tablets, with the exception of the strychnine sulphate tablets, contained less than so declared, and the strychnine sulphate tablets contained more strychnine sulphate than declared.

On May 26, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18455. Misbranding of Pyro Sana tooth paste. U. S. v. 12 Dozen Tubes of Pyro Sana Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25799. I. S. No. 8479. S. No. 4030.)

Examination of Pyro Sana tooth paste, from the shipment herein described, having shown that the carton and tube labels and accompanying circular bore

statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and subsequently an amended libel, praying seizure and condemnation of 12 dozen tubes of Pyro Sana tooth paste at San Antonio, Tex., alleging that the article had been shipped by the Alhosan Chemical Co., from St. Louis, Mo., on or about March 22, 1930, and had been transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, a small proportion of creosote, and glycerin.

It was alleged in the libel that the article was misbranded in that the following statements, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and tube) "Prevents Pyorrhea, Preserves the Gums. * * * A proven medicinal agent in checking and controlling Pyorrhea, relieving and preventing soft bleeding gums, preventing receding gums, making them hard and firm. * * * A Healthy Mouth is a Good Foundation;" (circular) "Pyro Sana Toothpaste will check pyorrhea, make the gums hard and firm, relieve and prevent soft, bleeding gums and maintain a vigorous and healthy mouth."

On March 13, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18456. Misbranding of Faucine. U. S. v. 30 Bottles of Faucine. Default decree of condemnation and destruction. (F. & D. No. 26072. I. S. No. 6811. S. No. 4320.)

Examination of a drug product, known as Faucine, from the shipment herein described having shown that the bottle label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that it was represented to be an antiseptic, whereas it was not antiseptic when used according to directions, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Louisiana.

On April 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of Faucine, remaining in the original unbroken packages in Calcasieu Parish, La., opposite Orange, Tex., alleging that the article had been shipped by the Faucine Co., Meridian, Miss., on or about September 23, 1930, and had been transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ferric sulphate, aluminum sulphate, magnesium sulphate, a small proportion of sulphuric acid, a trace of calcium sulphate, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle labels and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "An antiseptic * * * Directions * * * Use as a gargle every two or three hours; dilute one-half * * * is useful in the treatment of certain forms of Stomach Disorders, Pellagra, Indigestion, Atonic Dyspepsia, Impoverished Blood, Diarrhoea, and Malaria Anemia, * * * it is valuable in treating Sore Throat, Old Sores * * * Eczema, Piles, Catarrh and non-specific inflammatory conditions of the mucous membranes. * * * Directions * * * For Sore Throat, use as a gargle every two or three hours; dilute one-half. * * * For Diarrhoea and Flux, * * * For Pellagra, * * * For Piles * * * If bleeding or Blind Piles * * * For Nasal Catarrh, * * * For Eczema and Itch, * * * For Old Sores, * * * for a very bad case of Gastritis of the stomach and indigestion, * * * Some time ago, a small sore appeared on the side of my face and its appearance was accompanied by

an itching, which, when I rubbed it, it irritated it so that it grew large, and after a bit, my whole face as well as the upper part of my body above the waist line was so completely covered with small sores which itched so and made my body so sore that I could not rest well at night. * * * after starting to use external applications of Faucine after bathing, these sores commenced to dry up, and after two weeks was entirely rid of them. * * * For some weeks I had suffered with stomach trouble—* * * you recommended to me the use of Faucine * * * I began taking it myself, and by the time I was to start for the Springs, I was so much improved that I gave up my trip to Dawson Springs and continued the use of Faucine. I have steadily improved; have gained materially in strength and flesh. Our children have also improved with the use of it and we have fewer puny and disordered children than we have had for years. * * * I might at some time taken an attack of indigestion that would cause death. I became very much discouraged and at last heard of Faucine and bought a bottle. I received relief at once. I never suffered any more with indigestion. Recommended Faucine for Pellagra * * * I recommended it very highly for stomach and blood troubles. I also recommended it as the best remedy known to me for pellagra, and I have done lots of good here with it and relieved some bad cases of pellagra as well as myself. I had pellagra as bad as any one ever saw. * * * Stomach Disorder * * * A few weeks ago I received a bottle of Faucine as I ordered for a sore leg and used it according to directions and haven't used half of it and my leg is well and sound as it ever was. * * * I took it as a blood medicine and applied it on the sore also;" (bottle) "As an antiseptic * * * Directions * * * Used as a gargle every two or three hours; dilute one-half. * * * A remedy useful in the treatment of certain forms of Stomach Disorders, Pellagra, Indigestion, Atonic Dyspepsia, Impoverished Blood, Diarrhoea and Malarial Anemia * * * it is useful in the treatment of Sore Throat, Old Sores * * * Eczema, Piles, Catarrh and non-specific inflammatory conditions of the mucous membranes."

On May 18, 1931, no claimant having appeared for the property, and the court having found that the allegations of the libel were true and correct, in accordance with the verdict of a jury, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18457. Misbranding of S. T. S. Little Wonder suppositories. U. S. v. 6 Dozen Cartons of S. T. S. Little Wonder Suppositories. Default decree of condemnation and destruction. (F. & D. No. 25933. I. S. No. 1159. S. No. 4186.)

Examination of a drug product, known as S. T. S. Little Wonder suppositories, having shown that the label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Montana the shipment herein described, involving a quantity of the product located at Great Falls, Mont.

On March 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 6 dozen cartons of S. T. S. Little Wonder suppositories at Great Falls, Mont., alleging that the article had been shipped by the Esbencott Laboratories from Portland, Oreg., on or about January 11, 1931, and had been transported from the State of Oregon into the State of Montana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of theobroma oil, boric acid, tannin, zinc phenolsulphonate, and a trace of methyl salicylate.

It was alleged in the libel that the article was misbranded in that the statements regarding the curative or therapeutic effects of the article, to wit, "Treatment for Leucorrhoea (Whites) and Vaginal Infections," borne on the label, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 1, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18458. Misbranding of Guntone. U. S. v. 12 Bottles of Guntone. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25814. I. S. No. 8478. S. No. 4037.)

Examination of a drug product, known as Guntone, from the shipment herein described having shown that the carton and bottle labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that the article contained alcohol and the label failed to bear a statement of the quantity of alcohol contained therein, the Secretary of Agriculture reported the matter to the United States attorney for Western District of Texas.

On January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 bottles of Guntone at San Antonio, Tex., alleging that the article had been shipped by the Ellis-Jones Drug Co., from Memphis, Tenn., on or about June 13, 1930, and had been transported from the State of Tennessee into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of iodine, salicylic acid, phenol, a zinc compound, and small proportions of chloroform, camphor, thymol, and formaldehyde.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the said article, appearing on the bottle and carton labels and in the circular, were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Bottle) "Guntone * * * A treatment and preventative for Pyorrhea, Gingivitis, or Soft Spongy Gums;" (carton) "Guntone * * * Heals and soothes tender gums. * * * Tones up the gums. * * * A treatment and preventative for Pyorrhea, Gingivitis and Soft Spongy Gums;" (circular) "Pyorrhea (Riggs Disease) * * * Soft Sore Gums * * * Trench Mouth * * * Preventative for gum trouble * * * Vincents Angina."

On June 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18459. Adulteration and misbranding of ether. U. S. v. Twelve 1-Pound Cans, et al., of Ether. Default decree of sale or destruction. (F. & D. No. 25740. I. S. Nos. 20528, 20528, 20533. S. Nos. 3954, 3956.)

Samples of ether from the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On January 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of twelve 1-pound cans and eight 5-pound cans of ether at Cleveland, Ohio, alleging that the article had been shipped by Merck & Co., Rahway, N. J., in various consignments on or about July 2, July 25, and November 29, 1930, and had been transported from the State of New Jersey into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia U. S. P.," was false and misleading.

On May 16, 1931, no claimant having appeared for the property, a decree was entered finding the product adulterated and misbranded and liable to condemnation and confiscation, and it was ordered by the court that it be sold under such terms and conditions as would not violate the Federal food and drugs act, and that upon failure to so dispose of the product it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18460. Misbranding of Murrmann's compound. U. S. v. 2½ Dozen Bottles of Murrmann's Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25839. I. S. No. 8119. S. No. 4049.)

Examination of a drug product, known as Murrmann's compound, from the shipment herein described having shown that bottle and carton labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Tennessee.

On January 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2½ dozen bottles of Murrmann's compound, remaining in the original unbroken packages at Knoxville, Tenn., alleging that the article had been shipped by the D. W. Price Co., from Toledo, Ohio, on or about March 27, 1928, and had been transported from the State of Ohio into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of wood creosote, a small proportion of an iron compound, a large proportion of sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels and in the circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed, and would not be effective in the treatment of disease or the prevention thereof as claimed: (Carton) "For Functional Disorders of the Lungs and all Ailments arising from Coughs * * * For the Lungs, Bronchitis, Asthma;" (bottle) "For Functional Disorder of the Lungs and All Ailments arising from Coughs * * * For Adults—Severe cases of Lung Trouble, Asthma & Bronchitis;" (circular) "For Functional Disorders of the Lungs and All Ailments arising from Coughs * * * A man died in Danville the other day from tuberculosis. But the history of the case showed that it all started with a cough that was neglected, went down and hung on. * * * Don't neglect that deep cough. Begin now with * * * the approved and effective formula for lung coughs, asthma, bronchitis and all diseases of the respiratory organs. * * * Notice! * * * In cases of severe lung trouble, remember * * * is a Lung Medicine and do not stop until you have taken several bottles. By that time you will find that your lungs are greatly improved. Keep right on until you are well. * * * Lung Sufferers! Asthma Sufferers! * * * Beware! The cough * * * that hangs on is a danger signal and leads to Lung Trouble, Asthma, Bronchitis, Catarrh of the head and all other respiratory diseases. You can stop them now with * * * a Medical Discovery with immediate results and actions, which soothes and heals the infected membranes and attacks the seat of the trouble. * * * It goes into the stomach and is absorbed in the blood and soothes and heals the inflamed throat, lungs and bronchial tubes and builds up the system. * * * Take * * * and Heal Up Your Lungs. It is a well known fact that * * * has produced some very marvelous effects in tuberculosis * * * Pneumonia is a dangerous sickness caused by coughs * * * You may stop all this by taking a few doses of Murrmann's Compound. * * * I can't praise Murrmann's Compound enough for what it has and is doing for my girl. She had always been sick with lung trouble and the past summer was down. * * * She began taking it at Christmas and was able to go to school again after Christmas holidays. Now the swelling has left her and she has gained in weight. * * * Saved my baby * * * My 13 months old baby had measles and whooping cough which settled on his lungs. * * * Now after two bottles he eats anything, walks, sleeps and is a big fat baby. * * * At last the Dr. said his lungs were entirely healed. My children all had the flu, all I gave them was your medicine. They are all fine healthy children. * * * Bad cases of Lung Trouble * * * my lungs became affected. I kept getting worse till I became bed fast. I lost my voice and thought it was my last days. * * * I did not see much change on the first bottle but mother said it was only another chance and bought another bottle. My voice came back and by the time I took six bottles I was able to go back to work but it was too hard so got other outside work. Now I am back at my old job and feeling

fine. * * * Could not go to school—Goes Every Day Now. Our eight year old daughter has had asthma for years, * * * December 26 and is now going to school every day. She has never been sick a day since she began on the medicine. * * * Asthma. I had my lungs examined last summer. Doctor said I had a good throat and a pair of good lungs. About 10 years ago I had the asthma real bad. * * * I took two bottles. It has never come back on me yet. * * * Run Down Condition * * * Most babies are born healthy. But some get in a run down condition—one or two bottles * * * will get them over their trouble and start them right. * * * Would You Like to be Free From Lung Trouble? * * * Killed by a Cold Not at once, of course, but thousands die annually because a cold hung on and they couldn't shake it. That's the trouble with a cold. It seems like such a little thing, but if it gets to your lungs and sticks you are in a peck of trouble. Right now is the time to stop fooling with simple home methods and start a real healing agent to work. * * * attacks the germs, heals the inflamed tissues and builds up the entire system. Also very beneficial for bronchial coughs and asthma. Pneumonia is a sickness caused by catching cold and it develops into a high fever and can be prevented by having a bottle of * * * and giving a few doses. * * * I took cold, settled on my lungs and I began to lose in weight. Couldn't eat or sleep. * * * I had my lungs examined and found them in very bad condition. * * * I was bed fast three months. * * * I took two samples within a week. I noticed a change for the better. Have taken five bottles, now I am able to work, go anywhere, enjoy myself, eat, sleep, haven't that tired feeling any more. * * * I could not eat or sleep, was real sick. Hadn't worked for 16 months. I had a heavy pressure on my chest. My stomach was all out of order. In fact, I was in a run down condition. * * * I have taken 3 bottles. I am entirely well. * * * My seven months old baby was in a rundown condition from the effects of Pneumonia fever; she was real sick. * * * I began giving it to her, and it helped her right away. Now she has taken about a bottle and is in a healthy condition and stands up. * * * 1925 I coughed all summer and winter. Tried everything I could hear of but nothing done me any good. * * * the report said you have T. B. * * * I started taking * * * and I saw it was doing me good, so in 1926 I sent another test to Springfield and the report said there was no T. B. germs found and I am working now and gaining in weight, * * * I do believe I would have been dead before this time if I hadn't took * * *. For several months I had almost been a nervous wreck, and I began to take * * *. Before I had taken my first bottle I had began to eat and gain in weight. I gained eight pounds * * *. If you are all run down, feel tired and worn out, just try a bottle of * * *. Last fall I was sent away for four months on account of my lungs. * * * something went wrong with my stomach. I began to lose weight. * * * I began taking * * * have had my lungs examined * * * and found them in good shape. * * * I have had them ex-rayed and was told that my lungs were entirely well. * * * My children were always ailing with some little children troubles such as colds, fever, sore throat, coming home sick from school. Now I just give them a few doses of * * *. They seem to get relief right away. * * * My boy's lungs were in bad shape. He was bedfast for 11 weeks and was ordered not to go to school during the balance of the term. * * * we began giving it to him. He commenced to gain at once. After taking two bottles he gained ten pounds. He returned to school after Christmas and continued to improve right along. * * * had his lungs examined and found that they were entirely healed. * * * It is indeed a great pleasure for me to tell how miraculously I was relieved of Asthma. I had the Asthma for years."

On June 5, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18461. Adulteration and misbranding of Lung Saver cough syrup. U. S. v. 5½ Dozen Bottles of Lung Saver (Cough Syrup). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25227. I. S. Nos. 3475, 5231. S. No. 3500.)

Examination of a drug product, known as Lung Saver cough syrup, from the shipment herein described having shown that the article contained less chloroform than declared, and that certain statements appearing on the carton,

bottle, and counter display represented that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On October 22, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5½ dozen bottles of Lung Saver (cough syrup), remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Lung Saver Co., from Philadelphia, Pa., on or about September 9, 1930, and had been transported from the State of Pennsylvania into the State of Delaware, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of chloroform (2.65 minims per fluid ounce), anise oil, licorice, sugar, and water.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, (carton and bottle labels) "Chloroform 7 minims per fluid ounce."

Misbranding was alleged for the reason that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Shipping carton containing a dozen bottles) "Lung Saver The Good Cough Syrup The Lung Saver Co.;" (bottle label) "Lung Saver * * * The Lung Saver Co. * * * Lung Saver for Coughs * * * Hoarseness, Bronchitis, Grippe, Tightness of the Chest, Asthma * * * Whooping Cough and Croup * * * For Asthma and Bronchitis;" (counter display) "Lung Saver The Good Cough Syrup * * * Lung Saver Cough Syrup for * * * Croup, Coughs, Whooping Cough, Tightness and Soreness on the breast, Asthma, Bronchitis, Grippe and Hoarseness * * * Why Cough? Use Lung Saver The Good Cough Syrup;" (molded in bottle) "Lung Saver The Good Cough Syrup The Lung Saver Co. Phila. Pa. U. S. A."

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18462. Misbranding of Zhongiva. U. S. v. 4 Dozen Bottles of Zhongiva. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25766. I. S. No. 27813. S. No. 4040.)

Examination of a drug product, known as Zhongiva, having shown that the bottle and carton labels and accompanying booklet bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Delaware the shipment herein described, involving a quantity of the product located at Wilmington, Del.

On January 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4 dozen bottles of Zhongiva, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the John H. Wood Co., from Philadelphia, Pa., on or about January 10, 1931, and had been transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc chloride, extracts of plant drugs, volatile oils including clove oil and methyl salicylate, glycerin, alcohol, and water, colored with red dye.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Recommended for the prevention of wasting of the Gums and loosening of the Teeth, and for the relief of painful erupting Wisdom Teeth, and the suffering of children teething. * * * For receding gums, * * * For painful erupting wisdom teeth and other local inflammations;" (carton) "For Recession of the Gums, Pyorrhea and Acute Inflammatory Conditions;" (booklet) "In the treatment of stomatitis, in its many varied forms, which daily come under the observation of the dentist, he must be guided

broadly in his diagnosis by the symptology of the case. Zhongiva, being reconstructive, has a very potent and distinctive therapeutic value; * * * Its therapy is strongly indicated in pyosis, incipient pyorrhea, interstitial gingivitis, pericementitis, peridental inflammation, * * * receding, spongy tissues, looseness of the teeth, * * * in cases of pyogenesis, use full strength. Zhongiva clears up the pathologic condition and hastens the amelioration of the tissues to a normal stage of restoration. It relieves the painful eruptions of the 6th and 12th year molars, also the wisdom teeth. * * * It is an excellent alternative when used by children and adults suffering from inflamed and bleeding gums, * * * used as a gargle for sore throat."

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18463. Adulteration and misbranding of ether. U. S. v. 125 One-Half Pound Cans of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25645. I. S. No. 4995. S. No. 3934.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maine.

On January 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 125 half-pound cans of ether, remaining in the original unbroken packages at Portland, Me., alleging that the article had been shipped by Merck & Co. (Inc.), from New York, N. Y., on or about July 19, 1930, and had been transported from the State of New York into the State of Maine, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement "Ether for Anesthesia, U. S. P." on the label, was false and misleading.

On March 30, 1931, Merck & Co. (Inc.), Rahway, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, or the deposit of cash in like amount, conditioned in part that it be made to comply with the law under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18464. Misbranding of Pycopé. U. S. v. 2 Gross Cans of Pycopé. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 25590. I. S. No. 19807. S. No. 3837.)

Examination of a drug product, known as Pycopé, having shown that the label of the tin container and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Texas the interstate shipments herein described, involving a quantity of the article at Beaumont, Tex.

On December 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two gross cans of Pycopé, remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by Pycopé (Inc.), from Joplin, Mo., in part on September 6, 1930, and in part on November 10, 1930, and had been transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride, sodium carbonate, sodium bicarbonate, borax, calcium carbonate, compounds of iron, aluminum, and magnesium, and flavoring materials.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin container) "It saves the teeth * * * for Mouth Health * * * Hardens Soft and Bleeding Gums;" (circular) "It saves the teeth * * * there is little excuse for Pyorrhea * * * the dental profession recognizes Pyorrhea as a condition followed by a complex infection. You can aid your dentist in relieving the condition and preventing the infection by using Pycope Tooth Powder and Brush. Pyorrhea is a gum disease. You may have beautiful white teeth and yet have Pyorrhea. The correct use of Pycope Tooth Powder and Brush promotes mouth health by raising the natural resistance to the infection. Brush your teeth and massage your gums with these products for three minutes twice each day. Pycope Products are endorsed by many hundreds of progressive dentists. These authorities, whose knowledge is beyond question, are your assurance of its effectiveness."

On June 20, 1931, Pycope (Inc.), Joplin, Mo., intervener, having withdrawn its claim and answer, and the court having found that the product was misbranded as alleged in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18465. Misbranding of Lung Saver cough syrup. U. S. v. 11 1/2 Dozen Bottles, et al., of Lung Saver Cough Syrup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25096, 25179. I. S. Nos. 3448, 5155. S. Nos. 3380, 3431.)

Examination of a drug product, known as Lung Saver cough syrup, showed that the labels of the bottles containing the article, and a wholesale carton inclosing a portion of the said bottles, bore statements representing that the article possessed curative and therapeutic properties which it did not possess. Examination further showed that a portion of the article bore an incorrect declaration of the quantity of chloroform contained therein.

On September 5 and October 8, 1930, the United States attorney for the District of Delaware, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 15 dozen bottles of Lung Saver cough syrup, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Lung Saver Co., from Philadelphia, Pa., in part on or about June 5, 1930, and in part on or about August 26, 1930, and had been transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of chloroform (1.86 minims per fluid ounce), menthol, anise oil, licorice, sugar, and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Lung Saver * * * The Lung Saver Co. * * * Lung Saver for Coughs * * * Hoarseness, Bronchitis, Grippe, Tightness of the chest, Asthma, Colds, Whooping Cough and Croup * * * For Asthma and Bronchitis * * * To stop a cough at night * * * Lung Saver;" (wholesale carton inclosing portion of the product) "Lung Saver The Good Cough Syrup The Lung Saver Co." Misbranding was alleged with respect to a portion of the article for the further reason that the package failed to bear a statement on the label of the quantity or proportion of chloroform contained therein, since the label declared 7 minims of chloroform per fluid ounce, and analysis showed that but 1.86 minims per fluid ounce were present.

On November 7, 1930, and April 20, 1931, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18466. Adulteration and misbranding of fluid extract ergot. U. S. v. 12 Pint Bottles, et al., of Fluid Extract Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25829. I. S. Nos. 11531, 11532. S. No. 4062.)

Examination of fluid extract ergot from the shipment herein described having shown that it was represented to be a pharmacopoeial product, whereas its potency was approximately one-half that required by the pharmacopoeia, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On January 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 pint bottles and 22 four-ounce bottles of fluid extract ergot, remaining in the original unbroken packages at San Francisco, Calif., consigned by John Wyeth & Bro. (Inc.), Philadelphia, Pa., alleging that the article had been shipped from Philadelphia, Pa., on or about December 6, 1930, and had been transported from the State of Pennsylvania into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fluid Extract Ergot U. S. P. Tenth Revision."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Ergot U. S. P. Tenth Revision," was false and misleading.

On June 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18467. Adulteration of ether. U. S. v. 15 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24933. I. S. No. 6729. S. No. 3263.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cans of ether at Chicago, Ill., alleging that the article had been shipped by Merck & Co., from St. Louis, Mo., April 4, 1930, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under the name of "ether," a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of the investigation, and its own standard was not stated upon the label.

On May 18, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18468. Adulteration and misbranding of Muco-Solvent. U. S. v. 66 Dozen Bottles of Muco-Solvent. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24785. I. S. No. 036388. S. No. 3155.)

Examination of the drug product Muco-Solvent involved in the shipments herein described showed that the bottle and carton labels and an accompanying booklet bore statements representing that the article possessed curative and therapeutic properties which it did not possess. The labels further claimed that the article was a vegetable compound, which contained no harmful drug and which could be administered safely to the youngest infant as well as to adults, that it possessed antiseptic properties, and contained 18 per cent of alcohol; whereas it was not entirely a vegetable compound, it might be harmful, it was not antiseptic, and it contained more alcohol than declared.

On June 4, 1930, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 66 dozen bottles of Muco-Solvent at Chicago, Ill., alleging that the article had been shipped by the McKesson Van Vleet Ellis Corporation, from Memphis, Tenn., in various consignments, on February 20, March 1, March 15, March 29, April 15, April 18, and April 29, 1930, and had been transported from the State of Tennessee into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of salicylic acid, extracts of plant drugs, glycerin, alcohol (29.07 per cent), and water.

It was alleged in the libel that the article was misbranded under section 7 of the act in that its strength and purity fell below the professed standard or quality under which it was sold, namely: (Booklet) "Muco-Solvent is a vegetable compound, a solution of nature's antiseptics * * * It is made of Nature's remedies—leaves, herbs, roots, etc. * * * Measles * * * The specific action of Muco-Solvent upon the Mucous Membrane destroys the germ." (Section 7 of the food and drugs act defines adulteration. The word "misbranded" was used in the above charge, apparently through inadvertence, instead of the word "adulterated," recommended by this department.)

It was further alleged in the libel that the article was misbranded in that the following statements in the labeling were false and misleading, since the article contained no germicidal ingredients: (Booklet) "Muco-Solvent is a vegetable compound, a solution of nature's antiseptics. * * * It is made of Nature's remedies—Leaves, herbs, roots, etc. * * * It is a germicide in the use of which the bacilli is killed and the accumulated mass dissolved and disintegrated. It contains no * * * harmful drug, and may be safely administered to the youngest infant as well as to adults. * * * Its action is that of a * * * antiseptic. * * * It wins its victory by destroying the disease germs. * * * Measles * * * The specific action of Muco-Solvent upon the mucous membrane destroys the germ;" (carton and bottle label) "Contents average 18 per cent alcohol." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers and create in the minds of such purchasers the impression and belief that the article was in whole or in part composed of or contained ingredients or medicinal agents or combinations effective as a remedy for the diseases, ailments, and afflictions mentioned therein: (Bottle) "For internal use in attacks of Catarrh * * * Sore Throat, Tonsilitis, Quinsy;" (carton) "For * * * Sore Throat, Tonsilitis, Catarrh, etc. * * * For * * * Catarrh, Tonsilitis, Quinsy, Sore Throat;" (booklet) "The mission of this little book is to give the Mother (who is the doctress of all ills in the home), as well as other members of the household, a simple treatment of coughs, colds, grippe and other similar ailments of the mucous membrane, to prevent their growing into serious maladies. * * * 'All the children of my family had a severe attack of Diphtheria, which was successfully treated and no serious effects resulted from said disease, and we candidly think we escaped serious results by a thorough application of Muco-Solvent. We used this medicine only, administered plenty of it; the results are so satisfactory that we cheerfully give this testimonial. When it is understood that Diphtheria was prevalent and nearly all families in our vicinity were affected by it and many deaths occurred, we feel more than thankful that we discovered this remedy in time.' * * * 'Muco-Solvent * * * We not only value it for its marvelous worth in all acute ailments accompanied with throat affections or coughs, but for its general usefulness as well. Our faith in it is so strong we use it for about everything. We have never used anything so effective for sores. * * * It heals quickly and prevents festering.' 'I have used Muco-Solvent in my family for sore throat, measles and catarrh in the head, and it cures every time. Several of my friends have used it for croup with their children, and made remarkable cures. * * * We have used your throat medicine, Muco-Solvent, for more than 17 years. We have kept it ready for use during all of this time, and find it a specific, not

only for all kinds of throat troubles, but also for any inflammation or laceration of the mucous membrane surfaces.' 'Have been troubled with quinsy for over 20 years * * * remedies * * * have never found one which gave as good results as yours. Can heartily commend it for all who need a medicine for sore throat.' * * * we know (because it has been proved in millions of cases) that Muco-Solvent, if taken in time, will prevent diseases of the mucous membrane from gaining headway and developing into serious illness. The slight cough or cold is very often the forerunner of La Grippe, Sore Throat, Influenza, Tonsillitis, Quinsy, and the dreaded Diphtheria. These coughs * * * can be quickly checked with the prompt use of Muco-Solvent. Keep a bottle of Muco-Solvent on the shelf at all times and prevent sickness in your home. * * * Muco-Solvent will afford quick relief for Coughs * * * Sore Throat, La Grippe, and will tend to prevent an attack of Influenza, Diphtheria, etc. * * * Muco-Solvent (originally known as 'Diphtheria Preventive and Cure') * * * throat specialist * * * he saved thousands by his great discovery, Muco-Solvent. * * * during an epidemic of Diphtheria, this medicine was brought to the attention of a wealthy lumberman * * * By its use his sister, and later two daughters, were cured, of Diphtheria. * * * Its success being so marked, not only in the treatment of Diphtheria cases, but in all throat troubles * * * a specific for all suppurative and inflammatory diseases of the mucous membrane. * * * as its name implies, is a solvent or a special remedy for the treatment of those diseases which attack the mucous membrane. Its action is that of a * * * healing antiseptic. It breaks down and dissolves the mucous gathering in the throat or air passages and assists Nature in carrying away the accumulated mass. * * * Used internally it is a specific for preventing or arresting the development of every ailment accompanied by a cough, sore throat, or any inflamed condition of the mucous surfaces, such as * * * Tonsillitis, Bronchitis, Quinsy, Croup, Whooping Cough, Grippe, Influenza, Catarrh, Hay Fever, Diphtheria, etc. * * * for treating the nose or throat * * * to prevent development of serious illness. Muco-Solvent and Muco Salve Prevent the Common Cold from Gaining Headway. * * * a so-called 'cold' may also be the first sign of measles, whooping cough, or diphtheria in infants. * * * An ordinary cold, a little cough, a slight hoarseness or a sore throat—these are the beginnings of more diseases than almost any other bodily disturbance. * * * neglected, they may quickly develop into a serious or even fatal disease. * * * Muco-Solvent is wonderfully successful in arresting and relieving colds, coughs, and all throat and bronchial troubles. It acts as a germicide, effecting its relief by destroying the germs of disease. * * * Directions * * * take * * * until relieved. * * * Sore Throat * * * Directions. Gargle the throat with Muco-Solvent, slightly diluted with water every half hour and swallow a teaspoonful of Muco-Solvent, full strength, every two hours until relieved. * * * Whooping Cough * * * The danger in the disease lies in the weakening effect on the child's system, and subsequent liability to attacks of * * * pneumonia and bronchitis. Muco-Solvent is of particular value in preventing those troubles and in easing the coughing. * * * Before it is clearly recognized, that is, before the whooping begins, there are from five to fourteen days when it cannot be told from an ordinary severe cough; that is the time for the mother to take action, and by the use of Muco-Solvent seek to prevent the more serious symptoms. * * * Whooping cough fully developed is a stubborn ailment, but even then Muco-Solvent will mitigate its violence, and in very many cases, effectually relieve as well as fortify the child against throat and lung troubles, which often follow the disease. Directions. Swallow ordinary dose every two, three, or four hours, according to severity of case. Also gargle throat with Muco-Solvent at like intervals between internal doses. If patient can not gargle, use throat brush or swab. * * * Croup * * * unless checked quickly is likely to lead to more serious complications. Croup is an inflammation of the larynx, including the throat and trachea, which results in an exudation that coagulates, forming a pseudo-membrane on those parts. * * * The prompt use of Muco-Solvent will often prevent serious development. * * * Directions. Swallow double the ordinary dose every 15 to 20 minutes until relieved. Usually two or three such doses are sufficient. * * * Tonsillitis—Quinsy * * * Muco-Solvent, administered promptly, will relieve quickly and prevent supuration. * * * Measles * * * The specific action of Muco-Solvent

upon the Mucous Membrane destroys the germ and hastens a cure. * * * Diphtheria * * * In treating diphtheria, it is necessary to reach the seat of trouble—the medicine must get to the germs in order to check and destroy them before they get into the blood. Muco-Solvent should, therefore, be used as a douche or spray as well as taken internally. It should also be used as a gargle in treating Diphtheretic sore throat. * * * Muco-Solvent will probably give relief and will arrest the growth of this malady until medical aid is secured. * * * we have great faith in Muco-Solvent, and since it is not incompatible with other medicine we urge its continuous use regardless of what else the patient may be taking. * * * Scarlet Fever. The throat is chiefly affected in Scarlet Fever. It is the Mucous Membrane that is first involved, the same as in Diphtheria. In Scarlet Fever, as well as in Measles, Muco-Solvent, if given early, will act as an entire preventive, giving speedy relief or cut short the course of the disease. * * * As Preventive During Epidemics: * * * Sores and Skin Diseases: Used externally, Muco-Solvent * * * is the true household remedy in treating all throat troubles. * * * In the treatment of * * * Catarrh, Hay Fever, and any other affection of the Mucous Membranes, a solution of Muco-Solvent may be inhaled with absolute confidence in the results to be obtained. * * * Muco-Solvent and Muco Salve are Household Remedies and indispensable because of their dependability in treating all membranous affections such as * * * Coughs, Sore Throat, Tonsilitis, Bronchitis, Croup, Whooping Cough, Grippe, Influenza, Diphtheria, etc. * * * they are a preventive as well as a cure. They arrest the development of all contagious, germ, and bacterial diseases." Misbranding was alleged for the further reason that the package containing the article failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article.

On May 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18469. Adulteration and misbranding of ether. U. S. v. Twenty-four 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26049. I. S. Nos. 24419, 24420. S. No. 4352.)

Samples of ether from the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On March 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-four 1-pound cans of ether at Chicago, Ill., alleging that the article had been shipped by the General Chemical Co., in part from Marcus Hook, Pa., November 24, 1930, and in part from Philadelphia, Pa., January 3, 1931, and had been transported from the State of Pennsylvania into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of the investigation, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P.," was false and misleading.

On May 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18470. Misbranding of PX. U. S. v. Ten 16-Ounce Bottles, et al., of PX. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26050. I. S. No. 14630. S. No. 4374.)

Examination of a drug product, known as PX, having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did

not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of Illinois the shipment herein described, involving a quantity of the product located at Chicago, Ill.

On March 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of ten 16-ounce bottles, thirty-four 8-ounce bottles, and seventy 3-ounce bottles of PX at Chicago, Ill., alleging that the article had been shipped by PX Products (Inc.), from Detroit, Mich., January 14, 1931, and had been transported from the State of Michigan into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride, aluminum chloride, zinc sulphate, and water. Bacteriological examination showed that the product was not germicidal.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently that the article contained ingredients or medicinal agents or combinations effective as a remedy for the diseases, ailments, and afflictions mentioned upon the carton, label, and circular: (Carton) "Healing Agent * * * Infections * * * Sores * * * Eczema, Pimples, certain other Skin Affections;" (bottle) "Leucorrhea * * * Skin Affections—Eczema, Pimples, Rashes: * * * For Boils * * * Pus-Exuding Sores (Infections);" (circular) "Leucorrhea * * * Healing * * * Pimples—Acne—Boils * * * Eczema * * * Infections—When sores gather and exude pus, infection is present. * * * Bathe with two tablespoonsful of PX in one glassful of warm water. This prevents infection, soothes, heals. * * * for safety from infection, bathe with full strength PX, and allow it to dry. * * * Heal abrasions and sores and keep the scalp in a healthy condition * * * for protection and healing of Mouth-Throat-Nose affections. * * * Leucorrhea (whites) * * * Tissue Stimulator * * * Dandruff * * * Eczema * * * All Infections."

On May 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18471. Adulteration and misbranding of ether. U. S. v. 115 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26004. I. S. No. 27416. S. No. 4284.)

Samples of ether from the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On March 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 115 cans of ether, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the General Chemical Co., from Philadelphia, Pa., in part on or about January 8, 1931, and in part on or about January 10, 1931, and had been transported from the State of Pennsylvania into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, in that it contained peroxide.

Misbranding was alleged for the reason that the statement on the can label, "Ether U. S. P.," was false and misleading when applied to ether containing peroxide.

On June 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18472. Misbranding of Triner's cold tablets. U. S. v. 24 Dozen Packages of Triner's Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26054. I. S. No. 24404. S. No. 4324.)

Examination of a drug product, known as Triner's cold tablets, from the shipment herein described having shown that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton label, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On March 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 dozen packages of Triner's cold tablets at Chicago, Ill., alleging that the article had been shipped by the William A. Webster Co., from Memphis, Tenn., January 17, 1930, and had been transported from the State of Tennessee into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that each tablet contained acetanilid (0.96 grain), quinine (0.34 grain), and podophyllum resin.

It was alleged in the libel that the article was misbranded in that the statements on the cartons, "For * * * Grippe, Neuralgia," were false and fraudulent.

On May 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18473. Misbranding of Chewalla. U. S. v. 30 Bottles of Chewalla, for Rheumatism. Default decree of destruction entered. (F. & D. No. 26079. I. S. No. 11745. S. No. 4329.)

Examination of a drug product, known as Chewalla for rheumatism, having shown that the bottle and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Southern District of California the shipment herein described, involving a quantity of the product at Los Angeles, Calif.

On March 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of Chewalla for rheumatism, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the McCullough Drug Co., Lawrenceburg, Ind., alleging that the article had been shipped in interstate commerce on or about January 3, 1931, from Lawrenceburg, Ind., into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, acetic acid, extracts of plant drugs including a laxative drug, alcohol, and water, flavored with anise.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle, in English under picture of Indian) "My ancestors never had rheumatism * * * an effective remedy for acute and chronic rheumatism;" (carton, in English under picture of Indian) "My ancestors never had rheumatism * * * An Effective Remedy for Acute and Chronic Rheumatism;" (carton, in French and Spanish) "In cases of sexual debility;" (circular) "For Rheumatism * * * Rheumatism of the Head, Face, Neck, Chest, Back, Shoulders, Small of the Back, Arms and Legs or of the Joints. This preparation is a scientific combination of the best known and approved remedies for Rheumatism, * * * No change of habit or diet is necessary during treatment. * * * Chronic cases usually require from two to three bottles. * * * [In English, French, and Spanish] In all cases where there is great pain, * * * Where the pain is not very severe, as in most chronic cases."

On May 8, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18474. Adulteration and misbranding of almond oil. U. S. v. Twenty-eight 1-Gallon Cans of Almond Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26059. I. S. No. 5766. S. No. 4347.)

Examination of samples of almond oil from the shipment herein described having shown that the article fell below the requirements of the United States Pharmacopoeia, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On March 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-eight 1-gallon cans of almond oil at San Juan, P. R., alleging that the article had been shipped by Yglesias & Co. (Inc.), New York, N. Y., on or about November 22, 1930, to San Juan, P. R., and that it was being offered for sale and sold in Porto Rico by the Drug Co. of Porto Rico, San Juan, P. R., and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted of an oil or oils other than almond oil.

It was alleged in the libel that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard of quality under which it was sold, in that it was represented to be "U. S. Standard * * * Pure Almond Oil."

Misbranding was alleged for the reason that the statement "U. S. Standard * * * Pure Almond Oil," borne on the label, was false and misleading; and for the further reason that the article was offered for sale and sold under the name of another article.

On May 5, 1931, no claimant having appeared for the article, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18475. Misbranding of Cerevisine tablets. U. S. v. 2 Dozen Bottles of Cerevisine Tablets. Default decree of destruction entered. (F. & D. No. 26060. I. S. No. 11746. S. No. 4349.)

Examination of a drug product, known as Cerevisine tablets, having shown that the carton and bottle labels bore a statement representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Southern District of California the shipments herein described, involving a quantity of the product located at Los Angeles, Calif.

On March 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2 dozen bottles of Cerevisine tablets, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by E. Fougere & Co. (Inc.), from New York, N. Y., in part on or about September 3, 1930, and in part on or about January 31, 1931, and had been transported from the State of New York into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of desiccated yeast plants.

It was alleged in the libel that the article was misbranded in that the statement "For treatment of * * * Diabetes," appearing on the carton and bottle, was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 8, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18476. Misbranding of Eucaline tonic compound, regular, and Eucaline tonic compound, tasteless. U. S. v. 65/6 Dozen Bottles of Eucaline (Regular Form) and Eucaline (Tasteless), et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26035, 26037. I. S. Nos. 23982, 23983, 23987, 23989. S. Nos. 4292, 4294.)

Examination of the above-described drug products showed that the labels bore claims of curative effects in certain diseases for which cinchona derivatives are customarily prescribed, and that the product contained insufficient cinchona alkaloids, or their salts, to cure such ailments when administered according to the accompanying directions; also that the labels bore claims of curative effects in certain other ailments which were not justified by the composition of the articles. The Eucaline tonic compound, tasteless, was labeled "Free from Dangerous Medicine," whereas it contained acetanilid, a heart depressant, which might be dangerous.

On March 23 and March 26, 1931, the United States attorney for the Western District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of a total of 16¾ dozen bottles of certain drug products, a portion known as Eucaline tonic compound, regular, and the remainder known as Eucaline tonic compound, tasteless, at Oklahoma City, Okla., consigned by the Eucaline Medicine Co., Dallas, Tex., alleging that the articles had been shipped in interstate commerce from Dallas, Tex., into the State of Oklahoma, in part on or about September 24, 1930, and in part on or about October 1, 1930, and charging misbranding in violation of the food and drugs act as amended. The Eucaline (regular) was labeled in part: (Carton) "An excellent remedy for Malaria, Chills and Fever, Dumb Chills, Enlarged Spleen, * * * etc. And as an Antimalarial * * * Tonic for general debility, caused by Malaria weakening the blood and system, * * *. Is a combination of Liver, Blood and Anti-Malarial Properties. It readily relieves Fever and Chills after other remedies have failed. * * * Great for Chills and Fevers. A fine Blood and Liver Tonic." The Eucaline (tasteless) was labeled in part: (Carton) "An Improved Remedy for Chills, Fevers and General Malarial Sickness. * * * Is a most excellent remedy in cases of La Grippe * * * Acts Mildly on the Liver and * * * can be relied upon as a fine general Restorative Tonic and safe family remedy. * * * It is a * * * Remedy for Malaria, Chills, Fever and La Grippe."

Analyses of samples of the articles by this department showed that the Eucaline tonic compound, regular, consisted essentially of hydrochlorides of cinchona alkaloids (quinidine and cinchonidine, 1.2 gm. per 100 c. c., equivalent to 5.47 gr. per fluid ounce), ferric chloride (0.38 gm. per 100 c. c.), extracts of laxative plant drugs, a trace of eucalyptus oil, alcohol, sugar, and water; and that the Eucaline tonic compound, tasteless, consisted essentially of a suspension of cinchona alkaloids (quinidine and cinchonidine, 1.06 gm. per 100 c. c., equivalent to 4.84 gr. per fluid ounce), acetanilid (2.9 gr. per fluid ounce), a trace of eucalyptus oil, alcohol, sugar, and water.

It was alleged in substance in the libels that the articles were misbranded in that the above-quoted statements on the carton labels, together with similar statements appearing in foreign languages, regarding the curative or therapeutic effects of the said articles, and the statements appearing in the accompanying circular, namely, "For Malaria, Chills and Fever. For * * * what is termed LaGrippe in our Southern country," were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed. Misbranding was alleged with respect to the Eucaline tonic compound, tasteless, for the further reason that the statement on the carton, "Free from Dangerous Medicine," was false and misleading when applied to a product containing acetanilid.

On May 26, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18477. Misbranding of Gilbert's oral antiseptic. U. S. v. 65 Bottles of Gilbert's Oral Antiseptic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26042. I. S. No. 15793. S. No. 4316.)

Examination of a drug product, known as Gilbert's oral antiseptic, from the shipment herein described showed that the bottle and carton labels and accompanying circular bore statements representing that the article possessed

curative and therapeutic properties which it did not possess. Examination further showed that the article was not antiseptic when diluted with an equal volume of water.

On March 19, 1931, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 65 bottles of Gilbert's oral antiseptic, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Gilbert Products Corporation, from Morristown, N. J., on or about January 14, 1931, and had been transported from the State of New Jersey into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of phenols including creosote, anise oil, sugar, and water, colored with a red dye. Bacteriological examination showed that the article when diluted with an equal volume of water was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular were false and misleading: "When diluted it forms a non-germicidal solution that retains the penetrative and stimulating powers of the PMG, and in this form the globules of PMG adhere to the delicate tissues and after penetration stimulate a * * * mild antiseptic action. * * * If the Antiseptic cannot be tolerated full strength, dilute with three parts of water, and use frequently. * * * Start using a dilution of one part of Antiseptic to three parts of water. * * * Where the undiluted product cannot be tolerated, a more frequent use of one part of Antiseptic to three parts of water is recommended." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "When the gums are tender or bleeding, * * * Tender and Bleeding Gums * * * Pyorrhea Alveolaris * * * Dentists using concentrated PMG in the treatment of Pyorrhea will prescribe the strength of Gilbert's Oral Antiseptic desired for your particular case. Vincent's Angina (Trench Mouth) * * * Gilbert's Oral Antiseptic should be used according to the instructions of your dentist;" (label) "For specific conditions such as sore throat, tender gums;" (carton) "As a safeguard against infection. * * * Indicated in treatment of tender and bleeding gums, * * * and as prescribed by the dentist for Gingivitis, Pyorrhea and Vincent's Infection."

On April 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18478. Adulteration and misbranding of ether. U. S. v. 109 (107) One-Pound Cans, et al., of Ether. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 26005. I. S. Nos. 26304, 26305. S. No. 4283.)

Samples of ether from the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On March 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one hundred and nine 1-pound cans and thirty-five 5-pound cans of ether, remaining in the original unbroken packages at Norwood, Ohio, alleging that the article had been shipped by Merck & Co. (Inc.), from Rahway, N. J., in part on or about October 15, 1930, and in part on or about February 14, 1931, and had been transported from the State of New Jersey into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, in that it contained peroxide.

Misbranding was alleged for the reason that the statement on the cans, "Ether U. S. P.," was false and misleading when applied to ether containing peroxide.

On June 11, 1931, Merck & Co. (Inc.), Rahway, N. J., having withdrawn claim and answer filed in the case, and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the one hundred and seven 1-pound cans and thirty-five 5-pound cans of the product which had been seized by the marshal be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18479. Misbranding of Arex. U. S. v. 1 10/12 Dozen Boxes of Arex. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26006. I. S. No. 15895. S. No. 4280.)

Examination of a drug product, known as Arex, from the shipment herein described having shown that the box label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On March 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1 10/12 dozen boxes of Arex, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Arex Products Corporation, from Brooklyn, N. Y., on or about June 9, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained aspirin, caffeine, charcoal, a bismuth compound, cornstarch, and talc.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin box) "Ends Pain * * * Quick relief for headaches * * * grippe, influenza, rheumatism, sciatica, lumbago, neuralgia, neuritis, all aches and pains;" (circular) "Ends Pain * * * Headaches * * * relieves severe headaches almost at once without bad after effects. * * * In case of migraine or habitual headaches * * * until complete relief is obtained. * * * Grippe * * * assists in checking the progress, aids in controlling the fever, relieves the pain, and assures undisturbed sleep, * * * until completely relieved. Influenza * * * assists in the elimination of poisons and in the control of the fever, relieves pains and aches of head and body, insuring refreshing and undisturbed sleep. * * * In absence of medical attendance take 2 * * * Tablets * * * until completely recovered; * * * Painful Menstruation * * * gives relief. * * * Rheumatism, Gout, Sciatica, Lumbago, Neuritis, Neuralgia, Aches, and Pains. One of the highly important effects of * * * is the neutralization of poisonous acids in the system thus assisting in the removal of the causes of Rheumatism and kindred ailments. * * * should be permitted not only to relieve but it should be given ample opportunity to remove the cause of pain."

On June 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18480. Adulteration and misbranding of ether. U. S. v. Forty 1-Pound Cans of Ether. Default decree of condemnation and sale. (F. & D. No. 25867. I. S. No. 20552. S. No. 4104.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On February 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of forty 1-pound cans of ether at Akron, Ohio, alleging that the article had been shipped by Merck & Co., Rahway, N. J., on or about May 26, 1930, and

had been transported from the State of New Jersey into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia, U. S. P.," was false and misleading when applied to an article differing from the pharmacopoeial requirements, in that it contained peroxide.

On May 16, 1931, no claimant having appeared for the property, judgment was entered finding the product liable to condemnation, and it was ordered by the court that the said product be sold by the United States marshal under terms and conditions that would not violate the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18481. Misbranding of Dr. Wagner's tonic and stomachic. U. S. v. 120 Bottles of Dr. Wagner's Tonic and Stomachic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25980. I. S. No. 20611. S. No. 4226.)

Examination of a drug product, known as Dr. Wagner's tonic and stomachic, from the shipments herein described having shown that the carton label and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that it contained less alcohol than declared on the carton and bottle labels, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Indiana.

On March 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 120 bottles of Dr. Wagner's tonic and stomachic, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by A. L. Wagner & Co., North Chicago, Ill., on or about January 23 and January 24, 1931, and had been transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of bitter plant drugs, glycerin, alcohol (19.75 per cent by volume), and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton and bottle labels, "Contains 25% Alcohol by Volume," and on the bottle label, "Guaranteed under the Pure Food and Drugs Act June 30, 1906, Serial Number 32329," were false and misleading. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the statement made was not correct. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Health Builder;" (circular) "Stomach bothering you? * * * By taking Dr. Wagner's Stomach Tonic according to directions, men and women will benefit, be stronger, and more able to resist a breakdown from overwork and advancing age. Women report 'am looking younger every day'—'I feel like a new woman.' Don't fool with indigestion. Its results are often serious and sometimes fatal. Cramps, Headache, Dizziness, Sleeplessness are nature's warnings. It is always better to take care of Indigestion caused by insufficient gastric juices at once, rather than neglect it. Don't continue to suffer when relief can be had so easily. Let this famous remedy help you. * * * has given beneficial results to thousands who have suffered ill health. Indigestion is one of the most common as well as one of the most serious ailments of American people. Do Not Neglect Stomach Trouble. * * * A reconstructive metabolic Stomach Aid, Rejuvenator and * * * recommended for nursing mothers, convalescents and persons afflicted with insomnia, flu, coughs, * * * dyspepsia and loss of appetite. Aids digestion. Gives you tone, health and vigor, enriches the blood, restores strength, builds up the system generally. * * * is especially indicated for those anemic conditions of the system accompanying loss of weight, poor appetite, lack of energy and general run-down feeling."

On June 13, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18482. Adulteration and misbranding of Pyros. U. S. v. 6 Dozen Packages of Pyros. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25997. I. S. No. 11081. S. No. 4262.)

Examination of a drug product, known as Pyros, from the shipment herein described showed that the bottle and carton labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties that it did not possess. The labels further represented that the article was antiseptic and germicidal, whereas it was not.

On March 11, 1931, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 6 dozen packages of Pyros, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Pyros Co., Denver, Colo., on or about August 26, 1930, and had been transported from the State of Colorado into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride, zinc sulphate, alcohol (0.7 per cent), a trace of glycerin, and water. Bacteriological examination showed that the article was neither antiseptic nor germicidal.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, (carton) "Antiseptic," and (circular) "Pyros is an ideal antiseptic."

Misbranding was alleged for the reason that the following statements appearing on the carton and in the circular, were false and misleading: (Carton) "A Penetrative Antiseptic;" (circular) "The Penetrative Antiseptic * * * Pyros is an ideal antiseptic mouth wash, for it has a definite, selective action on disease germs in the mouth. * * * The definite and selective germicidal action of Pyros stops the bacterial acid detrition in the first stages of tooth decay. * * * Pyros is a combination of simple ingredients resulting in a product of definite value as an * * * antiseptic * * * Its penetrating and bactericidal action is then more pronounced * * * you can 'feel' its positive and penetrating antiseptic properties." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "An Aid in treatment of infectious mouth conditions, * * * and attendant tooth decay. Sore, tender, ulcerated gums, and general oral infections;" (carton) "Successful aid in the care of tender, bleeding, spongy or receding gums * * * for preventing decay of the teeth keeping the gums firm and healthy * * * Give solution time to penetrate gums and affected parts. * * * A successful aid in the care of tender or ulcerated gums and teeth and all mouth infections generally;" (circular) "Good Health Depends on Mouth Health. The mouth is the one main entrance whereby disease germs gain entrance to the body. In the mouth disease germs multiply, infect the nasal passages or throat and, sooner or later, the entire system. Nature, (the perfect physician) installed in the mouth the simple machinery necessary for the warding off of disease, viz; clean saliva, abundant blood supply and properly adjusted teeth. Therefore, it can be readily seen that a remedy which causes the mouth to properly function is the one that assists nature in warding off disease. The present day customs, diet and mental habits do not permit the mouth to function perfectly as in the days of savagery when the mouth received exercise from the eating of hard, coarse food, and tooth decay and gum disease were unknown. Pyros Makes Healthy Mouths. * * * Pyros Penetrates. Pyros has a peculiar penetrating action, so that it even attacks deep, underlying, inflamed conditions. Pyros makes clean, healthy saliva, nature's mouth wash. * * * In diseased conditions of the mouth Pyros should be used as near full strength as possible. For Pyorrhea—Take one teaspoonful in mouth and let it penetrate the affected parts * * * If the upper teeth or gums are affected, hold head downward or sideways. * * * For Trench Mouth (Vincent's Angina) or other acute inflammations of the mouth where pain is present * * * For Ulcerative Gums. * * *

Tender Gums. * * * **Bleeding Gums.** * * * **Spongy Gums.** Where the gums are soft, flabby and bleed easily use one part Pyros to four of water * * * **Turgid Gums.** Where gums are congested and swollen use Pyros the same as for spongy * * * **Tartar.** When annoyed by excessive tartar on the teeth use Pyros full strength for a few days, brushing the teeth after each treatment. When most of the tartar is gone, go to a dentist and have the teeth thoroughly cleaned. * * * **After Extraction.** There is more danger of alarming conditions after extraction of teeth than most people realize. Pyros * * * prevents the development of infectious conditions * * * By its daily use you can guard the entire system against contagion and disease. The teeth remain clean, the gums firm and natural in color. Finish with a single gargle and you will have a healthy clean throat. * * * It will save you endless dental and medical expense and many anxious hours. It is an excellent preventive. * * * **How to Prevent Decay of the Teeth at Home.** Pyros actually prevents and arrests decay of the teeth. The definite and selective germicidal action of Pyros stops the bacterial acid detrition in the first stages of tooth decay. * * * take Pyros one part to water four parts and brush this solution into the cheeks, gums and teeth for three minutes. If this is done morning and evening you will keep your teeth free from cavities or decay. * * * Pyros is of value in checking ruptured arteries and restoring proper circulation."

On May 25, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18483. Misbranding of Sassafola. U. S. v. 464 Jars, et al., of Sassafola. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25848, 25894. I. S. Nos. 15897, 20151. S. Nos. 4084, 4130.)

Examination of a drug product, known as Sassafola, from the shipments herein described having shown that the jar label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On January 30 and February 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 483 jars of Sassafola, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Sassafola Manufacturing Co., from Elmira, N. Y., in part on or about December 29, 1926, and in part on or about January 9, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an ointment with a petrolatum base containing menthol, eucalyptol, and methyl salicylate.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the jar labels, regarding the curative or therapeutic effects of the said article, were false and fraudulent: "For Catarrh, Quinsy * * * Canker, Cough, Sore Throat and Lungs, Croup, Pneumonia, Tonsillitis, Headache, Earache, Toothache, Rheumatism, Neuralgia, Polypus, Caked Breast, Hay Fever * * * Eczema, Salt Rheum * * * Piles, Sores, etc. * * * For Catarrh * * * For Quinsy, Tonsillitis, Sore Throat and Lungs, Croup, Pneumonia, * * * etc."

On June 8 and June 9, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18484. Misbranding of Korathein. U. S. v. 9 Dozen Packages of Korathein. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25925. I. S. No. 8118. S. No. 4045.)

Examination of a drug product, known as Korathein, from the shipment herein described showed that the carton label and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. Examination further showed that the article contained acetphenetidin, a derivative of acetanilid, and that the label bore no statement of the amount of acetphenetidin present therein.

On February 18, 1931, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 dozen packages of Korathein at Knoxville, Tenn., alleging that the article had been shipped by the Georgian Pharmacal Co., from Atlanta, Ga., on or about February 12, 1929, and had been transported from the State of Georgia into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained acetphenetidin (1.12 grains per capsule), phenalthalein, caffeine, camphor, a compound of calcium, and a salicylate.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and in the circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Grippe, Flu, Also an excellent palliative for * * * Neuralgia;" (circular) "Especially Flu * * * often lead to more serious complications * * * with use of Korathein and by following these instructions, you should enjoy a speedy recovery." Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of acetphenetidin contained in the article.

One June 5, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18485. Misbranding of C. P. "Tet." U. S. v. 30 Packages of C. P. "Tet."
Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25324. I. S. No. 17755. S. No. 3593.)

Examination of a drug product, known as C. P. "Tet," from the shipments herein described having shown that the carton label and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Alabama.

On November 15, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 packages of C. P. "Tet," remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the Chloride "C. P." Co., McNeill, Miss., in various consignments, on or about August 28, 1930, September 12, 1930, and October 9, 1930, and had been transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of tetrachlorethylene.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Worms of Dogs and Domestic Animals. Tetrachlorethylene is endorsed by the U. S. Dept. of Agriculture for * * * Whipworms. Prevents and cures Fits caused by Worms. * * * This drug is endorsed by the U. S. Dept. of Agriculture as the most effective and safest drug known for the worming of dogs;" (circular) "For Worms. Tetrachlorethylene is endorsed by the U. S. Dept. of Agriculture for the removal of * * * roundworms of dogs and domestic animals. Valuable as a treatment and preventive of 'Running Fits' if induced by worms. * * * Monthly Worming Is the Cheapest and Surest Form of Dog Insurance. Worms in Dogs. * * * Regular 28-day dosing of all dogs in the kennels with 'Tet' will eradicate * * * roundworms * * * Running-Barking Fits. * * * The first step in the treatment is to remove the worms and stop the source of the trouble. Dose regularly each month to keep worms removed before they cause trouble. * * * Preventive treatment is more valuable for any disease than curative treatment. Dose all dogs on the place once each month with 'Tet' and you will not only remove the worms * * * Freedom from worms will greatly improve the condition of your dogs, makes possible the raising of pups without heavy loss and gives a practical form of insurance against losses from

distemper and other contagious diseases which take a heavy toll from wormy dogs. * * * Directions for Worming with 'Tet.' * * * The use of Tetrachlorethylene as a wormer for dogs was the discovery of Dr. M. C. Hall of the U. S. Bureau of Animal Industry, * * * Besides the tests of Dr. Hall which showed this drug more effective for roundworms * * * Authoritative experiments have been made showing it safe for three weeks old pups in doses 25 times that necessary to remove * * * roundworms. Safe worming before weaning removes the most serious trouble of all dog breeders. * * * I have found your 'Tet' to * * * have stopped every case of 'Running-Barking Fits' I have had. I give it to all my dogs every 28 days and I have not had a case of fits since I have used it in this way. * * * I have tried everything and find your 'Tet' the best for worms and 'Running Fits.' * * * 'Tet' will remove * * * roundworms * * * Through the removal of worms the regular use of 'Tet' is a valuable preventive treatment for 'Running-Barking Fits,' and Sore Mouth and is insurance against heavy losses from Distemper."

On June 26, 1931, the Chloride "C. P." Co., McNeill, Miss., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$50, conditioned in part that it should not be sold or disposed of in violation of the Federal food and drugs act, and it was further ordered that claimant pay costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18486. Misbranding of Rice's G. G. Liniment. U. S. v. 5¼ Dozen Bottles of Rice's G. G. Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26032. I. S. No. 16203. S. No. 4265.)

Examination of a drug product, known as Rice's G. G. liniment, from the shipment herein described having shown that the bottle label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On March 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5¼ dozen bottles of Rice's G. G. liniment, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Rice Chemical Co., from Greensboro, N. C., on or about June 27, 1930, and had been transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of turpentine oil, ammonia, an emulsifying agent, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the bottle label, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Used for rheumatism, neuralgia, sciatica, back-ache * * * old sores, coughs, * * * lagrippe, croup, scratches, sweeny, spavin, stifle joint, lameness, etc."

On April 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18487. Misbranding of Hill's rheumatic and gout remedy. U. S. v. 32 Bottles of Hill's Rheumatic and Gout Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26778. I. S. No. 17513. S. No. 4531.)

Examination of a drug product, known as Hill's rheumatic and gout remedy, showed that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess. The article was in further violation of the law, since it was represented to be guaranteed under the Federal food and drugs act, whereas it did not comply with the said act.

On or about July 10, 1931, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed

in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 bottles of Hill's rheumatic and gout remedy, remaining in the original unbroken packages at Houston, Tex., alleging that the article had been shipped by the Hill Products Co., from Orange, N. J., in part on or about April 22, 1930, and in part on or about November 24, 1930, and had been transported from the State of New Jersey into the State of Texas, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium acetate (7.6 grams per 100 c. c.), suspended vegetable matter and water (91 per cent).

It was alleged in the libel that the article was misbranded in that the following statements, "Guaranteed by Hill Medicine Co., under the Food and Drug Act June 30, 1906, Guar. No. 3467," were false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the bottle and carton labels, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Rheumatic and Gout Remedy for Rheumatism, Gout and Lumbago. * * * .Gout Remedy * * * Rheumatism Remedy;" (bottle) "Rheumatic and Gout Remedy a medicine for Rheumatism, Gout and Lumbago. This Remedy is for the above stated diseases only and will relieve when all others fail. * * * Directions for Rheumatism, Sciatica and Lumbago * * * for Gout."

On August 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18488. Adulteration and misbranding of fluid extract ginger. U. S. v. 8 Barrels of Fluid Extract Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25887. I. S. No. 13104. S. No. 4160.)

Examination of a product, labeled "Liquid Medicine," and sold as fluid extract of ginger, from the shipment herein described having shown that the article did not conform to the requirements of the United States Pharmacopoeia and that it contained alcohol and failed to bear a statement on the label of the quantity or proportion of alcohol contained therein, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8 barrels of fluid extract of ginger at Chicago, Ill., alleging that the article had been shipped by Jordan Bros., from Los Angeles, Calif., February 6, 1931, that it was in the course of shipment to Jordan Bros., New York, N. Y., that it was in possession of the transportation company at Chicago, Ill., and was adulterated and misbranded in violation of the food and drugs act. The article was labeled in part: "Jordan Brothers, * * * New York City, N. Y."

Analysis of the sample of the article by this department showed that it contained rosin and a phenolic phosphate, constituents not provided for by the requirements of the United States Pharmacopoeia for fluid extract of ginger. The article contained 80 per cent by volume of alcohol.

It was alleged in the libel that the article was adulterated in that it was sold under the name "Fluidextract Ginger," a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of the investigation, and its own strength was not stated upon the container.

Misbranding was alleged for the reason that the article was offered for sale under the name of another article, namely, "Fluidextract Ginger U.S.P." Misbranding was alleged for the further reason that the package containing the article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein.

On May 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18489. Adulteration of fluid extract ergot. U. S. v. Two 1-Pint Bottles of Fluid Extract Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24774. I. S. No. 010621. S. No. 3133.)

Examination of the fluid extract ergot from the shipment herein described having shown that the article had a potency of about one-half that required by the United States Pharmacopoeia, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On May 20, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two 1-pint bottles of fluid extract ergot, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by Hance Bros. & White (Inc.), Philadelphia, Pa., on or about October 19, 1929, and had been transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fluidextract Ergot, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed in strength, quality, and purity from the pharmacopoeial specifications, in that it had an activity of from one-fourth to one-third of that required by the United States Pharmacopoeia for ergot.

On July 14, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18490. Misbranding of Lincoln tea. U. S. v. 10½ Dozen Packages, et al., of Lincoln Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25550, 25551. I. S. Nos. 11668, 11670. S. Nos. 3817, 3824.)

Examination of a drug product, known as Lincoln tea, having shown that the carton label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the shipment herein described, involving a quantity of the product located at San Francisco, Calif.

On December 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and on February 16, 1931, an amended libel, praying seizure and condemnation of 44½ dozen packages of Lincoln tea, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Fort Wayne Drug Co., from Fort Wayne, Ind., on or about October 25, 1930, and had been transported from the State of Indiana into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of plant drugs including senna, couch grass, star anise, camomile, and coriander.

It was alleged in the libel as amended that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the carton and in the circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Lincoln Tea for the Liver and Kidneys. Composed entirely of roots and herbs, a simple vegetable combination which assists nature in cleaning up the harmful effects of over-eating and unwholesome food. * * * an aid in purifying the Blood, and is excellent in cases of Dyspepsia, * * * and similar ailments due to a sluggish or inactive condition of the Bowels;" (circular) "Lincoln Tea is an Excellent Remedy for Headache, Scrofula, Constipation, Kidney Trouble, Indigestion, Biliousness, Heartburn, and other troubles arising from disordered weak digestion or inactive Kidneys or Liver. * * * a medicine which will help build up the weakened system to its normal condition. * * * Lincoln Tea is a combination of simple herbs and roots which help nature to throw off the harmful excess which comes from overeating and from unwholesome food. This excess may result in poisoned blood, which brings on Kidney, Stomach and Bowel disorders. Rheumatism is also attributed to imperfect elimination and inactive liver and kidneys, and many other ailments can be traced to the same cause. If you are a victim of poor elimination, that is to say, if your bowels

are not performing their function properly, give Lincoln Tea a trial. Use it according to directions faithfully for a month or two. The regular discharge of waste matter from the system will greatly improve the bodily condition and greater endurance, more vitality, a clear mind, and elastic step will be the outcome. Lincoln Tea for Stomach, Bowels and Liver * * * Impure Blood Is Usually the Result of Constipation, a sluggish condition of the bowels caused by torpid liver, and a failure to properly discharge the waste product of digestion. If this condition is not promptly corrected the poisons produced will be absorbed into the system, resulting in Liver, Kidney, Stomach and Bowel troubles. Lincoln Tea, when taken with regularity, will open up the clogged sewer of the system and remove the primary cause of impure Blood."

On June 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18491. Misbranding of Nau's Dyspeptic Relief. U. S. v. 36 Bottles of Nau's Dyspeptic Relief. Default decree of destruction entered. (F. & D. No. 25070. I. S. No. 018560. S. No. 3146.)

Examination of a drug product, known as Nau's Dyspeptic Relief, showed that the article consisted of a liquid and tablets intended to be used conjointly, both contained in a carton, and that the outer carton label, the bottle label, and the inner carton label bore statements representing that the article possessed curative and therapeutic properties which it did not possess.

On August 23, 1930, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 bottles of the said Nau's Dyspeptic Relief, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by Frank Nau from Portland, Oreg., on or about March 15, 1930, and had been transported from the State of Oregon into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of two preparations, one a liquid and the other tablets; the liquid consisted essentially of extracts of plant drugs including berberis and licorice, glycerin, alcohol, and water; the tablets contained bismuth subnitrate, sugars, a trace of ginger, and peppermint oil.

It was alleged in the label that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Outside carton inclosing liquid and tablets) "Dyspeptic Relief * * * for Relief in Stomach Troubles. * * * Intended for the Relief of Dyspepsia, Indigestion, * * * Waterbrash, Dilatation, and Catarrh of the Stomach. * * * Stomach Disorders * * * Distress after Eating, Returning of Food into Mouth, Gnawing at Pit of Stomach, * * * Coated Tongue, Headache, Dizziness;" (bottle label) "Dyspeptic relief * * * for Stomach troubles. * * * Intended for the Relief of Dyspepsia, Indigestion, Waterbrash, Dilatation, and Catarrh of the Stomach;" (carton containing tablets) "Dyspeptic Relief Tablets to be taken in conjunction with the liquid medicine to assist in relief of stomach troubles, dyspepsia, indigestion, * * * dilatation and catarrh of the stomach * * * remedy."

On October 25, 1930, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18492. Misbranding of Clay's rheumatic medicine. U. S. v. 69 Bottles of Clay's Rheumatic Medicine. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 25252. I. S. No. 3950. S. No. 3540.)

Examination of a drug product, known as Clay's rheumatic medicine, from the shipment herein described having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of South Carolina.

On November 8, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 69 bottles of Clay's rheumatic medicine, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by E. J. Kieffer, from Savannah, Ga., September 4, 1930, and had been transported from the State of Georgia into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of colchicine (4 milligrams per 100 milliliters), potassium iodide, a nitrite, and extracts from plant drugs.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, borne on the bottle and carton labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Rheumatic Medicine formerly known as Clay's Sure Cure;" (carton) "Rheumatic Medicine is recommended in the treatment of Scrofula, Ulcers, Old Sores, Rheumatism, Gout, Enlarged Glands and wherever a Good Blood Purifier is required * * * This is a Valuable Medicine for all sufferers from Gout and Rheumatism in all its forms."

On June 25, 1931, counsel for the intervener having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18493. Adulteration and misbranding of Pyros. U. S. v. 3 Dozen Packages of Pyros. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26249. I. S. No. 12458. S. No. 4441.)

Examination of a drug product, known as Pyros, from the shipment herein described showed that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess. The labeling also represented that the article was antiseptic, whereas bacteriological examination of a sample showed it was not antiseptic.

On April 23, 1931, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3 dozen packages of Pyros, remaining in the original unbroken packages at Spokane, Wash., alleging that the article had been shipped by the Pyros Co., from Denver, Colo., on or about January 5, 1931, and had been transported from the State of Colorado into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride, zinc sulphate, alcohol (0.5 per cent), a trace of glycerin, and water. Bacteriological examination showed that the article was neither antiseptic nor germicidal.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (carton) "Antiseptic," (circular) "Pyros is an ideal antiseptic," whereas the strength of the article fell below such professed standard, since it was not antiseptic.

Misbranding was alleged for the reason that the following statements appearing on the carton and in the circular, were false and misleading when applied to an article which was not antiseptic: (Carton) "A perfect Antiseptic;" (circular) "The Penetrative Antiseptic * * * Pyros is an ideal antiseptic mouth wash, for it has a definite selective action on disease germs in the mouth. * * * The definite and selective germicidal action of Pyros stops the bacterial acid detrition in the first stages of tooth decay * * * Pyros is a combination of simple ingredients resulting in a product of definite value as an * * * antiseptic * * * Its penetrating and bactericidal action is then more pronounced * * * You can 'feel' its positive and penetrating antiseptic properties." Misbranding was alleged for the further reason that the following statements appearing on the carton and bottle labels and in the accompanying circulars, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Pyros for Pyorrhea * * * A remedy for tender, bleeding, spongy, or receding gums. * * * for preventing decay of the teeth, keeping the gums firm and healthy, * * * Give solution time

to penetrate gums and affected parts. * * * A remedy for sore, loose, tender or ulcerated gums and teeth, and pyorrhea infections generally;" (bottle) "As An Aid In treatment of infectious mouth conditions, * * * and attendant tooth decay. Sore, tender, ulcerated gums, and general oral infections;" (heading of portion of circulars) "For Pyorrhea;" (all circulars) "Good Health Depends on Mouth Health. The mouth is the one main entrance whereby disease germs gain entrance to the body. In the mouth disease germs multiply, infect the nasal passages or throat and, sooner or later, the entire system. Nature (the perfect physician) installed in the mouth the simple machinery necessary for the warding off of disease, viz: clean saliva, abundant blood supply and properly adjusted teeth. Therefore, it can be readily seen that a remedy which causes the mouth to properly function is the one that assists nature in warding off disease. The present day customs, diet and mental habits do not permit the mouth to function perfectly as in the days of savagery, when the mouth received exercise from the eating of hard, coarse food, and tooth decay and gum disease were unknown. Pyros Makes Healthy Mouths * * * Pyros Penetrates. Pyros has a peculiar penetrating action, so that it even attacks deep, underlying, inflamed conditions. Pyros makes clean, healthy saliva, nature's mouth wash * * * In diseased conditions of the mouth Pyros should be used as near full strength as possible. For Pyorrhea—Take one teaspoonful in mouth and let it penetrate the affected parts * * * If the upper teeth or gums are affected, hold head downward or sideways. * * * For Trench Mouth (Vincent's Angina) or other acute inflammations of the mouth where pain is present * * * For Ulcerative Gums. * * * Tender Gums. * * * Bleeding Gums. * * * Spongy Gums. Where the gums are soft, flabby and bleed easily use one part Pyros to four of water * * * Turgid Gums. Where gums are congested and swollen use Pyros the same as for spongy * * * Tartar. When annoyed by excessive tartar on the teeth use Pyros full strength for a few days, brushing the teeth after each treatment. When most of the tartar is gone, go to a dentist and have the teeth thoroughly cleaned. * * * After Extraction. There is more danger of alarming conditions after extraction of teeth than most people realize. Pyros * * * prevents the development of infectious conditions * * * By its daily use you can guard the entire system against contagion and disease. The teeth remain clean, the gums firm and natural in color. Finish with a single gargle and you will have a healthy, clean throat. * * * It will save you endless dental and medical expense and many anxious hours. It is an excellent preventive. * * * How to Prevent Decay of the Teeth at Home. Pyros actually prevents and arrests decay of the teeth. The definite and selective germicidal action of Pyros stops the bacterial acid detrition in the first stages of tooth decay. * * * take Pyros one part to water four parts and brush this solution into the cheeks, gums and teeth for three minutes. If this is done morning and evening you will keep your teeth free from cavities or decay. * * * Pyros is of value in checking ruptured arteries and restoring proper circulation."

On May 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18494. Misbranding of Devore laxative cold and grippe tablets. U. S. v. 30 Packages of Devore Laxative Cold and Grippe Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25903. I. S. No. 12856. S. No. 4122.)

Examination of a drug product, known as Devore laxative cold and grippe tablets, from the shipment herein described having shown that the carton label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On February 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 packages of Devore laxative cold and grippe tablets, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Devore Manufacturing Co., from Columbus, Ohio, on or about December 12, 1929, and had been transported from the State of Ohio into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that each tablet contained acetanilid (2 grains), cinchona alkaloids, camphor, aloin, and extracts of plant drugs.

It was alleged in the libel that the article was misbranded in that the following statements on the packages, regarding the curative or therapeutic effects of the said article, were false and fraudulent: "Grippe Tablets * * * A quick and effective remedy for Grippe * * * Neuralgia, Malaria, etc."

On June 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18495. Adulteration and misbranding of ether. U. S. v. Fifty 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25549. I. S. No. 11671. S. No. 3835.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On December 22, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fifty 1-pound cans of ether, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Merck & Co., from Rahway, N. J., on or about September 17, 1930, and had been transported from the State of New Jersey into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statement on the label, "Ether * * * U. S. P.," was false and misleading.

On June 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18946. Misbranding of Ulcerine salve. U. S. v. 2½ Dozen Large-Sized Cans, et al., of Ulcerine Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25241, 25242. I. S. Nos. 216, 220. S. Nos. 3505, 3506.)

Examination of a drug product, known as Ulcerine salve, having shown that the labeling represented that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the shipments herein described, involving quantities of the product located at San Francisco, Calif.

On November 3, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3½ dozen large-sized cans, 3 dozen medium-sized bottles, and 10 1/6 dozen small-sized bottles of the said Ulcerine salve, remaining in the original unbroken packages at San Francisco, Calif., consigned by the J. P. Allen Medicine Co., St. Paul, Minn., alleging that the article had been shipped in interstate commerce from St. Paul, Minn., into the State of California, in various consignments, on or about July 9 and October 8, 1929, and March 4, March 14, May 19, August 4, and September 15, 1930, and had been transported from the State of Minnesota into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a lead soap, lard, and linseed oil.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Yellow circular and wrapper) "Ulcerine Salve for use in the treat-

ment of Chronic Ulcers, Scrofulous Ulcers, Varicose Ulcers, Indolent Ulcers, White Swelling, * * * and all Old Sores of long standing. Also for Boils, Felons, Carbuncles, Abscesses, Salt Rheum, * * * Chilblains, Gun Shot Wounds, Bites of Animals * * * and all Poisoned and Lacerated Wounds, * * * and all Fresh Wounds;" (additional statements in yellow circular) "For Ulcers and Old Sores * * * For Inflammatory Rheumatism and Chilblains, * * * For Pains in the Back, Chest or Side, * * * for Corns, * * * For Boils, Carbuncles, Abscesses * * * For * * * Swollen Joints, * * * For * * * Gun Shot Wounds and all Lacerated and Open Wounds, * * * For Stings * * * and all Poisoned Wounds * * * Ulcerine Salve is a splendid thing for boils, carbuncles, abscesses, felons, burns * * * and all fresh wounds;" (label) "Ulcerine Salve, for use in the treatment of Chronic Ulcers, Scrofulous Ulcers, Salt Rheum, Milk Leg * * * White Swelling, Varicose Ulcers, Indolent Ulcers, Carbuncles, Erysipelas, * * * Bunions, Frost Bites, * * * Swollen Joints, Felons, Boils, Abscesses, Chilblains, and all old sores of long standing."

On June 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18497. Misbranding of Brater's asthma powder. U. S. v. 5¾ Dozen Packages of Brater's Asthma Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26128. I. S. No. 15798. S. No. 4414.)

Examination of a drug product, known as Brater's asthma powder, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On March 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5¾ dozen packages of Brater's asthma powder, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by John K. Brater from New York, N. Y., on or about November 7, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of ground stramonium leaves impregnated with potassium nitrate.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin container and carton) "Asthma Powder * * * For Asthma, Hay Fever, Bronchitis and all diseases of the Throat and Lungs which affect the breathing;" (circular) "Asthma Powder * * * The Powder for burning is intended for immediate relief in Asthma."

On May 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18498. Misbranding of A. P. C. laxative quinine cold tablets. U. S. v. 13¾ Dozen Boxes of A. P. C. Laxative Quinine Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26163. I. S. No. 28421. S. No. 4385.)

Examination of a drug product, known as A. P. C. laxative quinine cold tablets, from the shipment herein described having shown that the display carton and box label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On April 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13¾ dozen boxes of A. P. C. laxative quinine cold tablets, remaining in

the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the American Pharmaceutical Co., from New York, N. Y., on or about January 9, 1931, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained in each, acetanilid (1.45 grains), quinine sulphate (0.4 grain), caffeine (0.13 grain), monobromated camphor, and an extract from a laxative plant drug such as cascara sagrada.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the display carton and on the box, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Indicated in the Treatment of Coughs * * * La Grippe."

On May 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18499. Misbranding of Phosphorcin. U. S. v. 55/6 Dozen Bottles of Phosphorcin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26189. I. S. No. 15794. S. No. 4479.)

Examination of a drug product, known as Phosphorcin, having shown that certain statements appearing in the accompanying circular represented that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Massachusetts the interstate shipment herein described, involving a quantity of the product located at Boston, Mass.

On April 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5% dozen bottles of Phosphorcin, remaining in the original, unbroken packages at Boston, Mass., alleging that the article had been shipped by Eimer & Amend, from New York, N. Y., on or about February 14, 1931, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium glycerophosphate, sodium glycerophosphate, phosphoric acid, material derived from nux vomica, and glycerin.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the said circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "As a reconstructive tonic in all ailments of the nervous system; in Anemia, Chlorosis, Sexual Impotence and Debility, Phosphaturia, Athrepsia, Pellagra, Chronic Dyspepsia, Secondary Anemia, Menstrual Disturbances, Rachitis, Osteomalacia, General Debility * * * it is of exceptional value in Diabetes, Albuminuria, Chronic Nephritis and General Paralysis. * * * While a deficiency of phosphorus is manifested by different pathological conditions in different individuals, generally speaking, this lack is soon followed by interrupted growth, a lessening in healthy nutrition, and a diminution of the number of red cells in the blood, which leads to various conditions, such as anemia, chlorosis, metabolic diseases, and many other asthenic forms which accompany lowered resistance and impaired nutrition and growth. * * * Phosphorcin is an elementary phosphorus of high assimilability. * * * Phosphorcin supplies a scientific method of administering phosphorus in a form that will be quickly absorbed, and properly assimilated by the body cells. * * * highly efficient one in the treatment of depressed conditions of the nervous system, as well as in the convalescent period following neurasthenia, influenza and other febrile diseases."

On May 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18500. Misbranding of Brater's asthma powder. U. S. v. 10 Large-Sized Packages, et al., of Brater's Asthma Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26127. I. S. Nos. 27743, 27744. S. No. 4413.)

Examination of Brater's asthma powder from the shipment herein described having shown that the tin container and carton and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On April 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 large-sized packages and 30 small-sized packages of Brater's asthma powder, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by McKesson & Robbins (Inc.), from Brooklyn, N. Y., on or about January 20, 1931, and had been transported from the State of New York into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ground stramonium leaves impregnated with potassium nitrate.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin container and carton) "Asthma Powder * * * For Asthma, Hay Fever, Bronchitis and all diseases of the Throat and Lungs which affect the breathing;" (circular) "Asthma Powder * * * The Powder for burning is intended for immediate relief in Asthma."

On May 4, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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★ APR 4 - 1932
U. S. DEPARTMENT OF AGRICULTURE

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18501-18550

[Approved by the Secretary of Agriculture, Washington, D. C., March 8, 1932]

18501. Misbranding of Crisp's Tung-Tone, Crisp's Distemperte, Crisp's (B-T) Black Tongue remedy, and Crisp's Hot Shot. U. S. v. 9 Packages of Crisp's Tung-Tone, et al. Tried to a jury. Verdicts for the Government. Decrees of condemnation, forfeiture, and destruction entered. (F. & D. Nos. 23777, 24068. I. S. Nos. 07621, 07622, 07623, 020354. S. Nos. 1885, 2277.)

Examination of the various drug products involved in the interstate shipments herein described having shown that the labels and circulars bore statements representing that the articles possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported the facts to the United States attorney for the eastern district of Louisiana.

On May 20, 1929 and September 16 1929, the United States attorney filed in the district court of the United States for the district aforesaid two libels, the former praying seizure and condemnation of 9 packages of Crisp's Tung-Tone, 22 packages of Crisp's Distemperte, and 21 packages of Crisp's Black Tongue remedy, and the latter praying seizure and condemnation of 4½ dozen packages of Crisp's Hot Shot. It was alleged in the libels that the articles had been shipped by the S. A. Crisp Canine Co., from Blacksburg, S. C., in interstate commerce into the State of Louisiana, in part on or about February 1, 1929, and in part on or about August 24, 1929, that having been so transported, they remained in the original unbroken packages at New Orleans, La., and that they were misbranded in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Black Tongue remedy consisted of a liquid suspension and black and gray powders contained in capsules. The liquid suspension consisted essentially of magnesium hydroxide (4.3 grams per 100 cubic centimeters), calcium carbonate (1.3 grams per 100 cubic centimeters), a small proportion of charcoal, and water (94.5 per cent). The gray powder consisted of sodium bicarbonate, calomel, charcoal, and starch. The black powder consisted of calomel, sodium bicarbonate, and charcoal. The Tung-Tone consisted of sodium bicarbonate, calomel, and a trace of charcoal in capsules. The Distemperte consisted essentially of petroleum oil (30.4 per cent), turpentine oil, and pine tar. The Hot Shot consisted of a liquid preparation and capsules. The liquid preparation consisted essentially of turpentine oil, petroleum oil, magnesium hydroxide, an emulsifying agent, tar, and water. The capsules contained santonin (0.4 grain per capsule), and petroleum oil.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling of the various products were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Tung-Tone, package) "Tung-Tone * * * The Guaranteed Black Tongue Preventative. * * * If your Dog Develops Black-Tongue After Giving Crisp's Tung-Tone According to Directions * * * is Guaranteed to Pre-

vent Black-Tongue;" (Tung-Tone, circular) "Tung-Tone (Black Tongue Preventive) * * * Symptoms of Black-Tongue (Sore-Mouth) * * * Direction for Treatment with Crisp's Tung-Tone, the Guaranteed Black Tongue Preventive. * * * The members of the S. A. Crisp Canine Company have been experimenting for the past several years in an effort to locate a cure and preventive for Black Tongue among canines. We now have perfected our preventive and offer it to the public. This preventive is absolutely guaranteed to protect your dog from disease. This remedy has been under test for the past eight years and there has not been a single case to develop among the dogs wherein the test was being made, although the dogs were exposed, fed and watered with dogs that were in last stages of the disease. You should not be without this preventive. It is an insurance against the disease. A \$1.00 box of these capsules will keep your dog insured for one year; whereas, without them, you may lose a \$75.00 dog. If you use Crisp's Black Tongue preventive and your dog develops the disease;" (Distemperte, bottle) "Pneumonic Distemper Remedy;" (Distemperte, carton) "Distemperte * * * Treatment of Pneumonic Distemper * * * will produce results;" (Distemperte, circular) "Distemper Remedy * * * Distemper (Pneumonic) Distemper kills more dogs than any other known disease and is far more prevalent among puppies and young dogs than older ones. * * * Do not give up. Give medicine according to directions, and you will be surprised and rewarded for your efforts. Sometimes it seems they can be saved with one foot in the grave;" (Black Tongue remedy, bottle) "(B.T.) * * * Black Tongue Remedy 97 Per Cent Effective—Actual Test;" (Black Tongue remedy, carton) "(B.T.) * * * The Guaranteed Black Tongue Remedy 97% Effective—Actual Test * * * This Treatment is Absolutely Guaranteed to cure your Dog of Black Tongue.—97 per cent Effective—Actual Test. A Dog Worth Keeping Is Worth Keeping Well;" (Black Tongue remedy, circular) "We realize that you have had a fear of Black Tongue and we are also aware of the fact that many treatments are recommended of which neither member of this company has used successfully, but we have experienced and found that Crisp's B.T. proved to effect a cure in 97 per cent of cases. Our belief and guarantee is based upon this percentage. We realize that it is a problem to convince the dog owner that Crisp's B. T. will cure his dog of black tongue, due to the fact that so many treatments have been recommended and failed, but let us persuade you that Crisp's B. T. will cure. We say again if you will keep this treatment on your shelf and be ready to check the rapid advance of this deadly disease you may never have another fear or dread of losing that \$75 or \$100 dog with black tongue. * * * Black-Tongue (Sore Mouth) Remedy * * * Symptoms of Black-Tongue (Sore Mouth) * * * We absolutely guaranteed Crisp's B. T. to cure Black Tongue, but we ask that you do your part, that is, give the treatment before the dog has begun to die. Black Tongue is a deadly disease * * * The advance of this disease is swift and rapid and usually has its deadly effect on the fifth or sixth day unless it has been checked. * * * we guarantee a cure. * * * keep a treatment of Crisp's B. T. on kennel shelf and be prepared to administer when first symptoms develop. If this is done you need not have any more fear of this deadly disease, as we believe it to be 100 per cent effective * * * Directions for Treating with Crisp's B. T. The Guaranteed Black-Tongue (Sore Mouth) Remedy;" (Hot Shot, bottle) "Running Fit Remedy Treatment for One Dog * * * Treatment with liquid;" (Hot Shot, carton) "Treatment for One Dog For Running Fits. * * * treatment with liquid. * * * Do not stop giving this medicine because your dog discontinues having fits but give entire contents to remove cause. * * * 'A Dog Worth Keeping is Worth Keeping Well.' * * * See Circular for Complete Instructions;" (Hot Shot, circular) "Directions for Treating With Crisp's Hot Shot Running Fit Remedy. Give capsule according to directions on small box inside carton, 24 hours before beginning treatment with liquid. * * * Be sure and keep animal tied while treating, as the nerve system is so shattered the dog is easily excited and the treatment will not have the same good effect under this condition. * * * it has proven 95 per cent effective, * * * Hot Shot, Running Fit Remedy * * * Running fits, for the past four years have been a terror to the dog world. Dog fanciers have been troubled with this disease but there is no need being troubled any longer. Use Crisp's Hot Shot and it will cure your dog. There are hundreds of remedies of which the S. A. Crisp Canine Company have not used to a success, and it is a proposition to convince the dog owner that Crisp's Hot Shot will effect a cure, but all we ask

is 'try it' and then be convinced. We are sure that you are anxious to rid that good dog of this disease. If your dogs need attention, give them the treatment, and you may take them on that next big hunt you have planned, and not have a dread or fear that they will have a running fit from the excitement. Listen: Again we urge you to be convinced. It will positively give you the desired results."

The S. A. Crisp Co., Blacksburg, S. C., entered an appearance as claimant in the cases and filed answers denying the misbranding of the products. By agreement between the Government and claimant, and with consent of the court, the cases were consolidated for trial. The interstate shipments having been admitted in the answers of the claimant, and the composition of the products having been stipulated, the cases came on for trial on May 19, 1931, before a jury, on the issue of misbranding. The trial lasted four days, during which a large number of witnesses were introduced by the Government and claimant, upon the completion of which evidence counsel for both parties having announced their willingness to rest without closing argument, the court submitted the cases to the jury with the following charge: (Borah, J.)

"These proceedings bearing docket Nos. 19,626 and 19,763 are in rem against certain articles of drugs known as Crisp's Tung-Tone, Crisp's Distemperte, Crisp's Black Tongue remedy and Crisp's Hot Shot. The United States is the libellant in these proceedings and is seeking a condemnation of the aforementioned drugs on the ground that they are misbranded within the meaning of the food and drugs act of June 30, 1906 as amended.

"The S. A. Crisp Canine Co., of Blacksburg, S. C., is the manufacturer and shipper of the drugs in question and is the claimant in these proceedings.

"You will recall that by stipulation of the parties and with the consent of the court these proceedings have been consolidated for the purpose of trial; however, you will be required to render separate verdicts in each case—the forms of verdicts I shall hereinafter indicate. Before directing your attention to the issues in the case I shall apprise you briefly of your duties as jurors. The sole function of a jury in the national courts is to determine facts. You are the sole, final, and exclusive judges of the facts in this case, of the credibility of the witnesses and of the weight that is to be attached to their testimony though you are obliged, under your oaths to accept the law as it shall be given to you by me in charge. In considering the weight that you will give to the testimony of the various witnesses you should have in mind their intelligence or the want of it, their interest, if any, their experience or the want of it, and their knowledge or lack of knowledge of the subject matter concerning which they have testified. In this case, as indeed in all cases, it is not the number of witnesses that controls, but rather it is the quality of the testimony that demands your consideration. There is one other observation that I desire to make in passing and that is this; that the rule of law here applicable is that the burden of proof is upon the United States to prove the justice of its claim by a fair preponderance of the evidence and by preponderance is meant that which is entitled to the greatest weight. Having in mind what I have just said to you, let us see what the libels charge so as to get at the questions you are to consider in the light of the evidence. The libels, after setting forth the jurisdictional allegations as well as the shipments in interstate commerce allege in article 5 that each of the aforesaid articles is misbranded in violation of the food and drugs act as amended; section 8, paragraph 3, in the case of drugs, in that certain statements borne on the package, bottle, and carton labels and appearing in circulars accompanying the articles, regarding the curative and therapeutic effect of the articles are false and fraudulent, in this that the articles contain no ingredient or combination of ingredients capable of producing the effects claimed, and that the same were applied to the said articles knowingly and in a reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof the impression and belief that the articles were in whole or in part, composed of, or contained, ingredients or medicinal agents effective in the prevention of and treatment of the diseases and conditions named therein. Articles 6 of the respective libels charge that the aforesaid product was at the time of the shipment aforesaid and are subject to seizure, condemnation, and confiscation under section 10 of the aforesaid food and drugs act.

"The answers of claimant admit the jurisdictional allegations as well as the shipments in interstate commerce, but they deny that said articles and drugs are and were misbranded within the meaning of the food and drugs act and deny that the statements regarding the curative and therapeutic effect

of the articles and drugs set forth in the libels are false or fraudulent or that they were made in reckless or wanton disregard of their truth or falsity. The answers likewise affirmatively allege in substance that the drugs in question are capable of producing and have produced the curative and therapeutic effects claimed for them and believing in the verities of each and every statement made, claimant alleges that each and every statement made is true and that these statements were made in good faith and after years of experimentation. Claimant denies the allegations of the sixth article of the libels and on the contrary alleges that the aforesaid products were and now are legitimate articles of shipment in interstate commerce, that it never was and is not now subject to seizure, condemnation, and confiscation, and that it in no way violates the aforesaid food and drugs act. And this presents the issues you must decide in the light of the evidence, all other material facts being either admitted or covered by stipulation.

"Now in arriving at your findings you should bear in mind that from the allegations of the libels it appears that certain words and directions contained on the bottle label, carton label, and circular were omitted from the libels. There was no obligation on the part of the Government to set forth this information but by well accepted rules of pleading the Government is precluded from the complaining of the omitted words. I therefore charge you that it is only fair in order to reach a proper conclusion respecting the issues presented that you consider the labels in their entirety and all that is contained in the circulars which accompany the bottles as bearing upon the good faith of the manufacturer of the product.

"With this information before you it is for you to say whether or not these preparations are misbranded within the meaning of the food and drugs act and whether or not the Government has proven to your satisfaction by a preponderance of the evidence that the statements made on the design or device carried on the label or carton or in the circular regarding the curative or therapeutic effects of the same are false and fraudulent, and the fraud alleged must be established by competent proof and by credible and convincing evidence.

"I further charge you that certain sections of the act are here applicable and demand your consideration.

"Section 9 [Title 21, U. S. Code], misbranded, meaning and application. The term 'misbranded' shall apply to all drugs, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular.

"Section 10 [Title 21, U. S. Code]. An article shall be deemed to be misbranded in the case of drugs if its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein which is false and fraudulent.

"I charge you in this connection that the words 'therapeutic' and 'curative,' as set forth in the statute, were intended to be given their ordinary accepted meaning and that while they have a certain meaning to the expert doctor, nevertheless they are a part of the vocabulary of any intelligent man. Therapeutic to the medical world means to heal, to make whole, to restore to health. To the lay mind it means having healing qualities; curative, alleviative, a medicine efficacious in curing or alleviating diseases. The word 'curative' is not found in the medical dictionaries and may be defined as possessing power or tending to cure; or relating to the cure of diseases. In none of the definitions have I been able to find the suggestion that the words 'therapeutic' and 'curative' convey the meaning of absolute cure. Having these definitions in mind, I will now direct your attention to section 6 of the act which defines drugs as follows: 'The term "drug" as used in this act shall include all medicines and preparations recognized in the United States Pharmacopeia or National Formulary for internal or external uses, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of diseases of either man or animals.'

"Now again reverting to the issues in the case, the Government contends that these products contain no ingredients or combination of ingredients capable of producing the effects claimed for them and that the claims that are made for them are false and fraudulent and were applied by the manufacturer knowingly and in disregard of their truth or falsity, so as to falsely and fraudulently represent to the purchasers and create in their minds the im-

pression and belief that the articles were in whole or in part composed of or contained ingredients effective in the diseases mentioned in the cartons and circulars or in the prevention thereof.

"In this connection I charge you that the words 'false' and 'fraudulent' as used in the statute must be taken in their accepted legal meaning and that before you will be justified in finding for the libelant it must be found that the statements contained in the labels or circulars were put there to accompany their goods with actual intent to deceive—an intent which may be derived from the facts and circumstances but which must be established. It was the claimant's duty, however, to make such investigation as was necessary to enable him honestly to make statements concerning the curative or therapeutic effect of his preparations. If he did not do this, and he says that he did, but acted with such gross carelessness and indifference to the truth of the representations contained in the statements as to warrant the conclusion that he acted fraudulently, you are at liberty to so find, and in that event, should return a verdict that the drugs are misbranded.

"If you find it as a fact that the statements were false, and known to be false, then, of course, your verdict would be for the Government. If you find as a fact that they were not false, or that, being false, there was no intent on the part of the defendant, whether actual intent or implied intent, to defraud, then your verdict would be for the claimant.

"If you believe from the evidence that any one of the therapeutic claims as to the effect of these drugs upon black tongue, running fits, pneumonic distemper, or as a preventative of black tongue was false, and was made by the claimant with a reckless and wanton disregard as to whether it was true or false, you may find a verdict for the Government. The form of your verdict will simply indicate whether or not the four preparations here on trial were misbranded within the meaning of the food and drugs act, and you will be required to render separate verdicts in each case. All 12 of you must agree in order to arrive at a proper verdict and the form of your verdict will be, 'We, the jury, find that the drugs, naming them—in one instance there are three drugs covered by the libel and in the other there is only one, the Hot Shot—are or are not misbranded,' which verdict will be written on the record and be dated and signed by your foreman.

"I have been requested to give certain special charges by both the Government and the claimant. I have not had opportunity to examine these charges as closely as I would like to have, due to the fact that closing arguments were waived in this case and I shall therefore refuse said charges, being of the opinion, from the examination I have made of them, that they are thoroughly covered by the general charge, or in some other particular (are) improper * * *

"Gentlemen, you are instructed that in considering the evidence in this case you should not take the view that this is a controversy between the veterinary medical profession and the manufacturers of proprietary or veterinary remedies. It is your duty under the statute to determine only whether or not the articles in question are misbranded within the meaning of the act, and in which determination you should wholly disregard personalities or other extraneous issues.

"In other words, gentlemen, you are not concerned with the fact that the Government is the libelant in this case and that the claimant in this case is concerned with the manufacture of these drugs except in so far as they are litigants, each having the right to have their case determined in a court of law, and so far as you are concerned it is a case of 'A' against 'B.' * * *

"Gentlemen, certain depositions have been offered in evidence. Provision is made by law to take the testimony of persons who reside over 100 miles from the place of trial by means of depositions and interrogatories. I charge you that you should receive and consider the testimony of each witness where his testimony has been taken by either deposition, or by interrogatory the same as though the witness were present and took the stand before you, giving to the testimony such weight as in your judgment you think it was entitled to. The Government was given notice of the taking of these depositions and interrogatories. It is admissible in evidence and there can be no question about that, as it is one of the methods and manner in which the testimony may be taken.

"Charge No. 12. Under the rules which govern cases of this character a number of letters have been offered in evidence in the form of testimonials. Before admitting the letters and under the law, it had to be shown that these

letters came to the defendant in the due course of mails; that the defendant believed in the genuineness of the letters and that these letters related to the matters in controversy in this suit. I have ruled that these letters are competent for you to consider as bearing on the question of intent. If the defendant made the statements contained on the cartons, labels, and circulars believing in the truth of the statements made in these letters, and believing that they told the truth, then I charge you that there can be no fraud on the part of the defendant. * * * You may now retire, gentlemen."

The jury, after due deliberation returned verdicts finding all products misbranded. On June 1, 1931, decrees of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18502. Adulteration and misbranding of Hien Fong essence. U. S. v. 3 Dozen Large-Sized Bottles et al., of Hien Fong Essence. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26085, 26086. I. S. Nos. 26594, 26600. S. Nos. 4325, 4326.)

Examination of samples of a drug product, known as Hien Fong essence, having shown that the article contained less alcohol than declared, and that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the eastern district of Wisconsin the interstate shipments herein described, involving quantities of the product located at Milwaukee, Wis.

On March 23, 1931, the United States attorney filed in the district court of the United States for the district aforesaid libels praying seizure and condemnation of 5 dozen large-sized bottles, 16 $\frac{1}{2}$ dozen medium-sized bottles, and 23 $\frac{1}{2}$ dozen small-sized bottles of the said Hien Fong essence, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Knorr Medical Co., from Detroit, Mich., on or about February 3, 1931, and had been transported from the State of Michigan into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils, including spearmint oil, peppermint oil, and camphor, a small proportion of ether, extracts of plant drugs, alcohol (52.5 per cent by volume), and water.

It was alleged in the libels that the article was adulterated in that it was sold under the following standard of strength, to wit, "Alcohol 60%," and the strength of the said article fell below such professed standard, since it contained a less amount of alcohol.

Misbranding was alleged for the reason that the statement on the carton and bottle labels, "Alcohol 60%," was false and misleading when applied to an article containing a less amount of alcohol, and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration made was incorrect. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the carton and bottle labels and in the accompanying circular, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "A medical preparation of value for the treatment of * * * Throat and Stomach Troubles. * * * Catarrhal conditions, Neuralgia, etc. Throat troubles such as Sore Throat, Tonsilitis, * * * Stomach troubles such as Indigestion, Colic, Summer Complaint, Stomach Cramps, and for Menstrual or periodic Pains;" (bottle) "Value for the treatment of * * * Throat and Stomach Troubles. * * * Catarrhal conditions, Neuralgia, etc. Throat troubles such as Sore Throat, Tonsilitis, * * * Stomach troubles such as Indigestion, Colic, Summer Complaint, Stomach Cramps and for Menstrual or periodic Pains;" (circular) "Directions. In cases of Sore Throat and Tonsilitis, and to guard against Diseases infectious through the Mouth and Throat, gargle repeatedly * * * For Indigestion, Colic, Stomach Cramps and for Menstrual or Periodic Pains * * * For Cholera Morbus and Summer Complaint of children * * * Catarrhal Conditions, etc. * * * In cases of Neuralgia, Chilblains, * * * Headache."

On May 13, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18503. Misbranding of McCormick's cold and pain salve. U. S. v. 9 Jars of McCormick's Cold and Pain Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25240. I. S. No. 3823. S. No. 3519.)

Examination of samples of a drug product, known as McCormick's cold and pain salve, from the shipment herein described having shown that the bottle and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the western district of South Carolina.

On February 18, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of nine jars of McCormick's cold and pain salve at Spartanburg, S. C., alleging that the article had been shipped by McCormick & Co., from Baltimore, Md., on or about December 12, 1929, and had been transported from the State of Maryland into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended.

The article was labeled in part: (Bottle) "For * * * Catarrh, Etc. * * * For Eczema * * * or Other Inflammation of the Skin. * * * McCormick's * * * Pain Salve * * * For * * * Bronchitis, Pneumonia, etc. If Pneumonia or other serious complications are suspected, call a physician at once. * * * Repeat treatment every three or four hours. Sore Throat. * * * Coughs, Whooping Cough;" (carton) "Pain Salve * * * Valuable in the treatment * * * Sore Throat, LaGrippe, Pneumonia * * * Skin Irritations. * * * Internally by the Inhalation of the wonderfully healing vapors which it evolves, McCormick's Salve penetrates the most minute recesses of the nose, throat, lungs and bronchial tubes, allaying pain and reducing inflammation wherever it reaches. * * * Useful in all forms of Inflammation such as Asthma, Bronchitis, Catarrh * * * Coughs, Hay Fever, LaGrippe, Pneumonia. Sore Throat, Whooping Cough * * * Boils and * * * Eczema * * * Headache, Neuralgia, Rheumatism, Piles;" (circular) "Pain Salve is primarily an inhalant for treatment of diseases of the lungs and air passages of an inflammatory character. The aromatic and healing vapors which it evolves, penetrate and carry their virtues to the most minute recesses of the affected organs. * * * Coughs * * * Hay Fever * * * LaGrippe * * * Pneumonia * * * Tonsillitis, Sore Throat, Hoarseness * * * Whooping Cough * * * Boils * * * Eczema * * * Croup * * * in Poultry * * * Distemper in Dogs or Horses * * * Pneumonia or Pleurisy in Horses."

Analysis of a sample of the article by this department showed that it consisted essentially of a petrolatum base containing volatile oils including eucalyptol, camphor, and menthol.

It was alleged in substance in the libel that the article was misbranded in violation of section 8, paragraph 3, of the act as amended, in that the following statements appearing on the jar label, regarding the curative or therapeutic effects of the said article, were applied to the said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers and create in the minds of such purchasers the impression and belief that the article contained ingredients or medicinal agents effective in the diseases and conditions named therein; whereas it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For * * * Catarrh, etc. * * * For Eczema, * * * or other inflammation of the skin. * * * McCormick's * * * Pain Salve * * * For * * * Bronchitis, Pneumonia, etc. If pneumonia or other serious complications are suspected, call a physician at once. * * * Repeat treatment every three or four hours. Sore Throat, * * * Coughs, Whooping Cough."

On June 25, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18504. Misbranding of Cystogen aperient and Cystogen lithia. U. S. v. 21 Packages of Cystogen Aperient, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26068, 26069, 26070. I. S. Nos. 15898, 20154, 20155. S. Nos. 4275, 4276.)

Examination of drug products, known as Cystogen aperient and Cystogen lithia, from the shipments herein described having shown that the articles were accompanied by circulars which bore statements representing that they possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the middle district of Pennsylvania.

On March 23 and March 24, 1931, the United States attorney filed in the district court of the United States for the district aforesaid libels praying seizure and condemnation of 49 packages of Cystogen aperient and 33 packages of Cystogen lithia, remaining in the original unbroken packages at Scranton, Pa., alleging that the articles had been shipped by the Cystogen Chemical Co., from Brooklyn, N. Y., in part on or about May 14, 1930, and in part on or about July 11, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Cystogen aperient consisted essentially of sodium phosphate (51.4 per cent), and methenamine (7.8 per cent) in an effervescent base composed of sodium bicarbonate, citric acid, and tartaric acid, and/or potassium bitartrate; and that the Cystogen lithia consisted of tablets each containing methenamine (3 grains), lithium tartrate (2.9 grains), and an effervescent base of sodium bicarbonate, citric acid, and tartaric acid.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the circulars, regarding the curative and therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Cystogen aperient) "Cystogen is a general internal antiseptic to be used in the treatment of all infections of the urinary tract, including pyelitis, cystitis, urinary infection from ureteral calculi, retention of urine from prostate or tabes dorsalis and urethritis. * * * Cystogen disinfects the intestinal and genito-urinary tracts. * * * It is a routine procedure before most operations, in abscesses, forunculosis, ulcers, in otitis media, tonsilitis and quinsy. In alcoholism and drug addiction it clears the body of deleterious matter and overcomes the irritation of the nervous system. Cystogen Aperient is valuable in pneumonia when resolution takes place and in gonorrheal arthritis;" (Cystogen lithia) "This combination is a true solvent and eliminant that promotes the solution and excretion of uric acid. Its use is indicated in all conditions of uric acid retention and in the treatment of nearly every infectious disease. * * * Cystogen-Lithia is used in gout, rheumatism, diabetes and lithaemic diathesis for this treatment expels the toxins and reduces antiseptic conditions throughout the body."

On June 9, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18505. Misbranding of Oxien Nazone salve. U. S. v. 9 Boxes of Oxien Nazone Salve. Default decree of destruction entered. (F. & D. No. 26088. S. No. 4343.)

Examination of a drug product, known as Oxien Nazone salve, having shown that the carton label and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the southern district of Ohio the interstate shipment herein described, involving a quantity of the product at Columbus, Ohio.

On March 24, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of nine boxes of Oxien Nazone salve at Columbus, Ohio, alleging that the article had been shipped by the Giant Oxie Co., from Augusta, Me., on or about January 6, 1931, and had been transported from the State of Maine into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an ointment with a petrolatum base containing volatile oils

including sassafras oil, camphor, and methyl salicylate, and traces of phenol and menthol.

It was alleged in the libel that the article was misbranded in that the statement on the carton, "We, the undersigned, do hereby guarantee that our Nazone Salve is not adulterated or misbranded," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Deafness, Catarrh, Eczema * * * Influenza, etc. * * * To sufferers from Catarrh and other ills brought on by colds and influenza, Nazone is a blessing. Catarrh ordinarily leads to Laryngitis, Bronchitis, eye ailments, Catarrhal Deafness, or to Catarrh of the Stomach and Bowels. Use Nazone Salve for catarrh or its consequences. As in the case of * * * sore throats, the Nazone is applied in the throat and nose, internally. Relieves inflammation in the mucous membranes in the nose, throat or chest when once the purifying, soothing salve is there. Remedy for * * * Coughs, * * * Catarrhal Deafness, Sore Eyelids, Influenza, * * * Nazone Salve applied externally for sore, inflamed, chafed or raw places such as are found in Eczema, * * * Salt Rheum, Bites, * * * Ulcers, * * * New or Old Sores, * * * Boils, * * * Pimples, Scalp Humors, * * * Rash and Earache. * * * Oxien Nazone Salve is one of the most * * * healing mixtures * * * Special care is used in the selections of refined essential oils noted for their curative qualities;" (circular) "Is your breath foul smelling? It's dangerous and disagreeable. If the catarrh is allowed to develop further it will cost you something—maybe your life or all your friends. In Oxien Nazone Salve we have one of the most * * * healing mixtures * * * It Is * * * Healing * * * Used for * * * Eczema, Salt Rheum, Ulcers * * * Also For Catarrh, Influenza, Coughs * * * Sore Throat, Hay Fever * * * Sore Eyelids * * * Deafness, Catarrh, Eczema * * * Influenza, etc. * * * To sufferers from Catarrh and all other ills brought on by colds and influenza, Nazone is a blessing. Catarrh ordinarily leads to Laryngitis, Bronchitis, Eye Ailments, Catarrhal Deafness, or to Catarrh of the Stomach and Bowels. Use Nazone Salve for the worst case of catarrh or its consequences. As in the case of * * * sore throats, the Nazone is applied in the throat and nose, internally. Relieves inflammation in the mucous membranes in the nose, throat or chest when once the purifying soothing salve is there. Remedy for * * * Coughs, Catarrh, Sore Throat, Hay Fever, Catarrhal Deafness, Sore Eyes, Influenza."

On May 13, 1931, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18506. Adulteration and misbranding of Pyor-Heal. U. S. v. 5½ Dozen Bottles, et al. of Pyor-Heal. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25763, 25772. I. S. Nos. 8117, 8123. S. Nos. 3960, 4001.)

Examination of a drug product, known as Pyor-Heal, showed that the bottle label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. Bacteriological examination showed that it was not an antiseptic and bactericide, as represented in the labeling.

On January 28 and February 18, 1931, the United States attorney for the eastern district of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid libels praying seizure and condemnation of 7½ dozen bottles of Pyor-Heal, remaining in the original unbroken packages in part at Chattanooga, Tenn., and in part at Knoxville, Tenn., alleging that the article had been shipped by the Brander Co., from New York, N. Y., on or about May 12, 1930 and October 21, 1930, respectively, and had been transported from the State of New York into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an emulsion containing phenols, resins, free alkali, and water. Bacteriological examination showed that the article was not antiseptic nor bactericidal.

It was alleged in the libels that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic and bactericidal."

Misbranding was alleged for the reason that the bottle labels and the circular which accompanied each bottle bore statements regarding the curative effects of the said article, which were false, fraudulent, and misleading in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed and would not be effective in the treatment of disease or the prevention thereof as claimed. Certain statements from the bottle label and circular were set out in the libels. Of these statements this department deemed the following to be false and misleading and recommended that such charge be brought: (Bottle label) "Antiseptic and bactericidal;" (circular) "The beneficial results * * * are due to the combined antiseptic * * * properties of the ingredients, * * * through its strong bactericidal strength * * * Laboratory report showing germicidal strength, antiseptic * * * properties." Of the statements quoted in the libel this department deemed the following to be false and fraudulent, and recommended that such charge be brought: (Bottle label) "* * * Pyor-Heal * * * for the treatment of Pyorrhæa (causing receding gums), Vincent's Angina (Trench Mouth) * * * Beneficial in allaying inflammatory conditions of the Mucous Membranes of the Mouth and Throat. * * * Pyor-Heal is recommended for home use as a supplemental treatment in conditions of Pyorrhæa, Gingivitis, Trench-Mouth, Bleeding Gums, Canker Sores. Pyor-Heal will be found an effective prophylactic if used as a mouth wash and gargled night and morning. Dilute as indicated. * * * Prophylactic after extraction;" (circular) "For the treatment of Pyorrhæa (causing receding gums), Vincent's Angina (Trench Mouth), Gingivitis. * * * Bleeding Gums and of benefit in allaying all inflammatory conditions of the mouth and throat. * * * Pyor-Heal is a remedy and gives absolute results in all inflammatory conditions. * * * acting both as a prophylactic and antiseptic for all inflamed conditions of the mouth. * * * Pyor-Heal is specifically indicated as a home treatment after teeth have been properly cleaned by the dentist, in conditions of sore, inflamed or bleeding gums, gingivitis, pyorrhæa, etc. Pyor-Heal is recommended not only for the prevention of diseased conditions arising in the gums and mouth, but also as an active remedial agent as its name implies. In the treatment of Pyorrhæa, both during the height of its symptoms and thereafter as a safeguard against its recurrence. Pyor-Heal if used will almost immediately arrest gum recessions. * * * Pyor-Heal should be used freely in all the following conditions: Pyorrhæa, Gingivitis, Tonsilitis * * * Sore Throat, Tender Gums, Spongy Gums, Bleeding Gums, Turgid Gums, Loose Teeth, Abscesses, Salivation * * * Canker Sores, Diphtheria, Quinsy * * * Pyor-Heal is a remedy. * * * For Pyorrhæa, Gingivitis, Bleeding, Swollen or Receding Gums, or Loose Teeth, and after extractions, use one teaspoonful undiluted after meals and before retiring until the acute symptoms have subsided, churning the liquid between the teeth and around the gums, for several minutes. * * * This treatment will be found very beneficial for Sore Throat, Hoarseness, Canker Sores."

On May 8 and June 5, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18507. Misbranding of Ointrex Rub-Inhalant. U. S. v. 34 Jars, et al., of Ointrex Rub-Inhalant. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24740. I. S. No. 026600. S. No. 3098.)

Examination of a drug product, known as Ointrex Rub-Inhalant, having shown that the jar and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the district of Massachusetts the shipment herein described, involving a quantity of the product located at Boston, Mass.

On April 30, 1930, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of thirty-four 1½-ounce jars and six 3¼-ounce jars of Ointrex Rub-Inhalant, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Toledo Rex Spray Co., from Toledo, Ohio, on or

about April 10, 1930, and had been transported from the State of Ohio into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an ointment with a petrolatum base containing volatile oils including camphor, menthol, pine needle oil, and methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar label) "A scientifically developed ointment to relieve * * * Catarrh * * * Respiratory and Surface Inflammation and Congestion. * * * To relieve Congestion and Inflammation of the Respiratory Organs * * * Influenza, LaGrippe, Croup, Asthma, Catarrh, * * * Hay Fever. * * * Sore Throat, * * * Whooping Cough, Catarrh, Asthma and Hay Fever. * * * as a Liniment or Dressing * * * Headache;" (carton) "A scientifically developed ointment to relieve colds, to arrest their development and prevent complications and serious consequences * * * To Relieve Congestion and Inflammation of the Respiratory Organs * * * Influenza, LaGrippe, Croup, Asthma, Catarrh, * * * Hay Fever;" (circular) "Keep Them Healthy. A Scientific Developed Ointment to Relieve Colds, to Arrest Their Progress and Prevent Complications and Serious Consequences. Use Ointrex to Check * * * Croup * * * Coughs * * * Whooping Cough * * * Headaches * * * Asthma * * * Nasal Catarrh * * * Directions for Using and Applying Ointrex. Congestion or Inflammation of the Air Ducts. * * * Ointrex. It lubricates and holds within, inhalents that relieve the nasal passage and prevent the formation of excessive mucus to carry infection to the throat, lungs and stomach. * * * Those susceptible * * * who suffer from nasal catarrh will do well to make this simple test of Ointrex. In no more than five minutes it will demonstrate its healing and protective virtues. * * * Ointrex used in this manner as a preventative and relief * * * for nasal catarrh * * * Neglected colds cause tens of thousands of deaths every year."

On December 2, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18508. Misbranding of Vernas. U. S. v. 13 Medium-Sized Bottles, et al., of Vernas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25804. I. S. Nos. 15883, 15884, 15885. S. No. 4017.)

Examination of a drug product, known as Vernas, from the shipment herein described showed that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. It was further claimed for the article that it was an antiseptic, whereas it was not.

On January 28, 1931, the United States attorney for the northern district of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 medium-sized bottles, 15 large-sized bottles, and 76 small-sized bottles of Vernas at Utica, N. Y., alleging that the article had been shipped by the Vernas Chemical Co., Paterson, N. J., on or about September 9, 1929, and had been transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of a small proportion of zinc chloride, glycerin, alcohol (23.2 per cent by volume), and water flavored with cinnamon oil and peppermint oil. Bacteriological examination showed that the article was not antiseptic in the dilution recommended for the douche.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels were false and misleading: (Large and small cartons) "Antiseptic * * * as a douche for Feminine Hygiene;" (medium-sized cartons) "Antiseptic * * * Effective * * * for Feminine Hygiene." It was further alleged in the libel that certain additional statements appearing on the carton and bottle labels and in the accompanying circular, were false and misleading. These statements, which follow, related to the curative and therapeutic effects of the article, and in the report to the

United States attorney this department recommended that the charge be brought in the libel that they were false and fraudulent: (Large and small cartons) "Prophylactic * * * Sore Throat * * * for Spongy or Bleeding Gums;" (middle-sized cartons) "Promotes Nose and Throat Health * * * Strengthens Spongy Bleeding Gums * * * Sores * * * Prophylactic;" (all bottles) "Bleeding gums * * * Sore Throat.—Gargle with Vernas full strength several times daily. (Make this a habit during winter and spring months as a preventative.) * * * Prophylactic;" (circulars accompanying all sizes) "Imbedded germ colonies can not escape the New Vernas. It goes deep down to destroy these disease breeding spots which are constantly forming. * * * stimulates your enzymes * * * tones your tissues * * * to fight sore throat * * * For Sore Throat. Sore throat is a danger signal that should never be neglected. A sore throat may be caused by a highly contagious disease like diphtheria. * * * The New Vernas should be used as a gargle, * * * For Bleeding Gums, and Mouth Infections."

On April 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18509. Misbranding of Po-Me-Ka. U. S. v. 22 Jars of Po-Me-Ka. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23582. I. S. No. 03433. S. No. 1794.)

Examination of a sample of a drug product, known as Po-Me-Ka, from the shipment herein described having shown that the carton and jar labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the district of Maryland.

On April 4, 1929, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 jars of Po-Me-Ka, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Rex Chemical Co. (Inc.), from Waynesboro, Pa., on or about January 18, 1929, and had been transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an oil with a stearic acid base containing boric acid, a compound of potassium, phenol, glycerin, and volatile oils including menthol, camphor, and pine oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar) "Penetrating * * * Influenza and Pneumonia. Rub Po-Me-Ka well in nostrils, over throat and chest, behind ears, between shoulder-blades inhaling vapors freely * * * Coughs, Croup, Sore Throat, Tonsilitis, Etc. * * * Catarrh, Hay Fever, Asthma;" (carton) "Penetrating * * * For Influenza, Pneumonia, Coughs, Croup, Sore Throat, Tonsilitis, Bronchitis, * * * Asthma, Catarrh, Hay Fever * * * Piles * * * for * * * Sores * * * Aching Feet, * * * Bunions, Etc. * * * Rubbed on the skin, Po-Me-Ka penetrates instantly * * * bringing quick relief. By inhaling its medicated vapors, Po-Me-Ka acts directly on the congestion and inflammation of the nose, throat, and lungs * * * relieving * * * and makes breathing easier;" (circular) "The Scientific Vapor Treatment. * * * Bites * * * Penetrating * * * Aching Feet, Lameness, Rheumatism * * * Apply Po-Me-Ka * * * aching feet * * * For lameness, rheumatism * * * apply to parts affected * * * Asthma, Catarrh and Hay Fever * * * Wounds * * * Influenza and Pneumonia. Apply Po-Me-Ka freely to chest, between shoulder blades and behind the ears. * * * inhale the vapors deeply * * * Po-Me-Ka penetrates and relieves congestion. * * * Coughs * * * Sore Throat. Rub Po-Me-Ka on the chest, throat and back of the ears. Difficult breathing may be relieved by applying Po-Me-Ka to the chest. * * * This treatment * * * beneficial to babies and children."

On July 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18510. Adulteration and misbranding of ether. U. S. v. Twenty-five 1-Pound Cans of Ether. Default decree of condemnation and forfeiture. Product delivered to governmental agency for official and technical use. (F. & D. No. 25485. I. S. No. 606. S. No. 3727.)

Samples of ether from the shipment herein described having been found to contain acid in excess of the maximum proportion permitted by the United States Pharmacopoeia, the Secretary of Agriculture reported the matter to the United States attorney for the southern district of California.

On December 15, 1930, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-five 1-pound cans of ether, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the J. T. Baker Chemical Co., from Phillipsburg, N. J., on or about August 22, 1930, and had been transported from the State of New Jersey into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether Purified U.S.P.X." On June 25, 1931, an amended libel was filed to cover the 33 cans of the product that were seized.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statement on the label, "Ether Purified U.S.P.X.," was false and misleading.

On June 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to this department for official and technical use, but not for use for anesthetic purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18511. Adulteration and misbranding of ether. U. S. v. One hundred and eighty-three 1-Pound Cans, et al., of Ether. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 25856. I. S. Nos. 26267, 26268, 26270. S. No. 4101.)

Samples of ether from the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the southern district of Texas.

On or about February 18, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 183 1-pound cans and 91 quarter-pound cans of ether, remaining in the original unbroken packages at Houston, Tex., alleging that the article had been shipped by Merck & Co., (Inc.), from New York, N. Y., in various consignments, on or about August 30, September 20, and October 25, 1930, and had been transported from the State of New York into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P." or "Ether for Anesthesia, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statements on the respective labels, "Ether U. S. P." and "Ether for anesthesia U. S. P.," were false and misleading, since the article contained peroxide.

On May 7, 1931, Merck & Co., New York, N. Y., having appeared as claimant for the property, and the court having found from the agreed facts that the essential allegations of the libel were true, an order was entered providing for release of the product to the claimant upon payment of costs and the execution of a good and sufficient bond conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws. On July 7, 1931, upon motion of counsel for the claimant, an amended decree was entered ordering that the product be condemned and forfeited, and that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18512. Misbranding of Dr. Edwards' compound dandelion tablets. U. S. v. 2 $\frac{3}{4}$ Dozen Boxes of Dr. Edwards' Compound Dandelion Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26308. I. S. No. 16059. S. No. 4615.)

Examination of a drug product, known as Dr. Edward's compound dandelion tablets, from the shipment herein described having shown that the circular accompanying the article bore statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the district of Maryland.

On May 4, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 2 $\frac{3}{4}$ dozen boxes of Dr. Edwards' compound dandelion tablets, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Relief Laboratory (Inc.), from Newburgh, N. Y., on or about March 10, 1931, and had been transported from the State of New York into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained extracts of plant drugs including cathartics such as aloë and jalap resin.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and in the circular accompanying the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Dandelion Purifies the Blood, Purifies the Breath, Disinfects and Purifies the Entire Alimentary Canal by Action on Stomach, Liver and Kidneys. Rheumatism. Rheumatism for the most part attacks the sinews and muscles of the body. Therefore the joints, the muscle casings and heart valves suffer most. Like gout this disease is caused by an excess of uric acid or blood poison in the system. Rheumatic pains sometime change their location; wander from one part of the body to another, and visit various joints in succession. One of the first steps in the treatment of this disease is a thorough cleansing of the alimentary canal, which is readily accomplished by * * * Comp. Dandelion Tablets and Pills. * * * If the bowels are clogged and the liver inactive, the sure result is foul breath, biliousness, headache, heaviness, often resulting in malaria from auto-poisoning, kidney disease, rheumatism and gout, and laying the foundation for indigestion, dyspepsia, weakness of the intestines, and occasionally resulting in that distressing and dangerous disease, appendicitis. The fundamental preventive is to keep the bowels active and in a healthy condition, so as to carry off those noxious poisons from the system, by leaving the digestive organs free to perform their functions. * * * Comp. Dandelion Tablets and Pills act mildly and thoroughly on the bowels, but without griping or purging, so that they can be taken with perfect assurance of good results without the pain or unpleasantness of ordinary cathartics;" (carton) "For Rheumatism, Kidneys, Liver, Dyspepsia."

On June 13, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18513. Adulteration and misbranding of Blackstone's tooth paste. U. S. v. 15 Dozen Tubes of Tooth Paste. Default decree of forfeiture and destruction. (F. & D. No. 25859. I. S. No. 12001. S. No. 4095.)

Examination of the tooth paste from the shipment herein described having shown that it was represented to be antiseptic, whereas it was not, also that the tube and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the district of Idaho.

On February 4, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 dozen tubes of tooth paste, remaining in the original packages at Pocatello, Idaho, alleging that the article had been shipped by the Blackstone Manufacturing Co., from Newark, N. J., on or about May 4, 1928, and had

been transported from the State of New Jersey into the State of Idaho, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of compounds of calcium, magnesium, and zinc, carbonates, glycerin, soap, and water, colored with a red dye. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Antiseptic," whereas the strength of the article fell below such professed standard, since it was not an antiseptic article.

Misbranding was alleged for the reason that the statement on the carton, "An antiseptic dentifrice," was false and misleading, since the article was not antiseptic. It was further alleged in the libel that the article was misbranded in violation of paragraph 3 of section 8 of the act as amended, in that the statements on the tube, carton, and circular, regarding the curative or therapeutic effects of the article (tube), "Prevents decay and hardens the gums," (carton) "It helps to stop the bleeding of the gums and hardens same," and (circular) "(Prevent pyorrhea * * * to check pyorrhea and restore the gums to normalcy eat some coarse food each day such as hard dry toast and brush your teeth frequently with Blackstone's Tooth Paste," were false and misleading and deceived and misled the purchaser, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed. Paragraph 3 of section 8 of the act as amended, in the case of drugs, brings within the provisions of the law articles of drugs, the package or label of which bears or contains any statement, design, or device, regarding the curative or therapeutic effect of the article, or any ingredient or substance contained therein which is false and fraudulent. The above-quoted curative and therapeutic claims from the labeling were deemed by this department to be false and fraudulent, and such charge was recommended to the United States attorney.

On June 29, 1931, no claim having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18514. Misbranding of Red Pills. U. S. v. 8 Bottles of Red Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26125. I. S. No. 26588. S. No. 4378.)

Examination of a drug product, known as Red Pills, from the shipment herein described having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the eastern district of Wisconsin.

On March 28, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of eight bottles of the said Red Pills, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Joseph Triner Co., Chicago, Ill., on or about October 13, 1930, and had been transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of extracts of laxative plant drugs including aloe, strychnine, and ginger oleoresin.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Recommended in * * * Jaundice, Coughs and * * * Female Troubles, Rheumatism;" (bottle) "Indicated in * * * Indigestion, Jaundice."

On May 13, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18515. Misbranding of Dr. Warner's white wine and tar syrup compound. U. S. v. 7 $\frac{3}{4}$ (Dozen) Small Packages, et al., of Dr. Warner's White Wine and Tar Syrup Compound. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26101, 26102. I. S. Nos. 15276, 26595. S. Nos. 4379, 4380.)

Examination of a drug product, known as Dr. Warner's white wine and tar syrup compound, from the shipments herein described having shown that the bottle and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the eastern district of Wisconsin.

On March 28, 1931, the United States attorney filed in the district court of the United States for the district aforesaid libels praying seizure and condemnation of 6 dozen large-sized packages and 16 $\frac{1}{4}$ dozen small-sized packages of Dr. Warner's white wine and tar syrup compound, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the C. D. Warner Co., from Coldwater, Mich., in part on or about November 18, 1930, and in part on or about February 5, 1931, and had been transported from the State of Michigan into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of tar, anise oil, sugar, alcohol, and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the bottle and carton labels and in the circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For Coughs * * * and Diseases of the Throat and Lungs;" (carton) "For Affections of the Lungs and Throat such as Asthma, Bronchitis, Coughs * * * LaGrippe, Whooping Cough, Pain or Oppression of the Chest and Sore Throat;" (circular) "A remedy that can be successfully employed in the Treatment of Coughs, Influenza, Asthma, Whooping Cough, * * * Catarrh, Croup, Bronchitis, and Difficult Breathing. * * * A remedy that can be successfully employed in the treatment of Coughs, * * * Tightness of the Chest and Kindred Diseases. Has No equal for LaGrippe. No remedy equals Warner's White Wine and Tar Syrup Compound for this terrible and fatal disease. If taken thoroughly and in time, it will relieve a case in 48 hours, and for the cough that follows LaGrippe, it never fails to give relief * * * [Testimonials] my oldest daughter suffered months with a severe cough. My baby had the croup. After trying many remedies, we used Warner's White Wine and Tar Syrup Compound. Both are restored to good health. * * * had a sore throat and tickling in her throat that kept her coughing night after night. She used Warner's White Wine and Tar Syrup Compound and has not lost a night's sleep since. * * * Child's Life Was Saved. * * * My little girl caught a cold that lasted over a year. We employed three doctors, none could help her. She got so weak she could not stand. We used Warner's White Wine and Tar Syrup Compound. It restored her to good health. Millions of such. * * * Typhoid fever left me with a serious trouble with my throat and lungs. Dr. Warner's White Wine and Tar Syrup Compound relieved me and am now well. * * * My wife was troubled with weak lungs. The disease was far advanced. She has taken four bottles of Warner's White Wine and Tar Syrup Compound and is nearly well. * * * I have used Dr. Warner's White Wine and Tar Syrup Compound for sore throat, coughs, colds and weak lungs. It surpasses all other remedies I have ever tried. * * * Speedy relief for throat and lung diseases. * * * I speak from my own experience; I think it has twice saved my life when suffering from a disease of the throat and lungs. It relieved my neighbor, Mr. Dowes, of asthma, that had afflicted him for thirty years. * * * Our little 6-year old daughter had a very sore throat, badly ulcerated, and coughed almost incessantly. Gave the White Wine and Tar Syrup Compound according to directions and she began to improve immediately and soon got well. * * * My children were afflicted with a cough resulting from measles, my wife had a cough that had prevented her from sleeping, more or less for five years, and your White Wine and Tar Syrup Compound has done the good work."

On May 13, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18516. Supplement to and correction of notice of judgment No. 18307.
U. S. v. 1 Can of Cold and Grippe Tablets, et al. (F. & D. No. 25988.
 I. S. Nos. 4394, 4395. S. No. 4230.)

In notice of judgment No. 18307, involving quantities of cold and grippe tablets and rheumatic tablets libeled at Richmond, Va., for violation of the food and drugs act, the statement was made that the articles had been shipped from Newark, N. J., and that the interstate movement was from the State of New Jersey into the State of Virginia. The statement was in error. The libel filed on March 7, 1931, charged that the shipment was made by the Commercial Laboratories (Inc.), from Newark, N. Y., and that the goods moved in interstate commerce from the State of New York into the State of Virginia.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18517. Misbranding of Palmiacol. U. S. v. 27 Packages of Palmiacol.
Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24192. I. S. No. 021402. S. No. 2406.)

Examination of a drug product, known as Palmiacol, from the shipment herein described having shown that the article was represented to be a germicide and antiseptic, whereas it was not, also that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the western district of New York.

On November 2, 1929, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 packages of Palmiacol, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Simmon Co., Cleveland, Ohio, alleging that the article had been shipped from Cleveland, Ohio, July 25, 1929, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained a fatty substance, creosote, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Properties: Germicide, Antiseptic and * * * Free from Depressant Action upon * * * Vital Functions;" (bottle) "Presenting for medicinal use a drug of value for the treatment of Tuberculosis, chronic or acute Bronchitis, and all catarrhal or inflammatory processes internal or external, * * * devoid of depressant action upon the * * * vital functions. An Antiseptic and Germicide * * * To relieve acute attacks of coughing, asthma, bronchitis, etc." Misbranding was alleged for the further reason that the statements appearing on the carton label, "Properties: Germicide, Antiseptic," and on the bottle label, "An Antiseptic and Germicide," were false and misleading in that the said statements represented that the article contained germicidal and antiseptic properties and that it was an antiseptic and germicide; whereas it did not contain antiseptic and germicidal properties, nor was it an antiseptic and germicide.

On October 22, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18518. Misbranding of Palmiacol. U. S. v. 22 Packages, et al., of Palmiacol.
Default decrees of condemnation, forfeiture, and destruction.
 (F. & D. Nos. 24193, 24194. I. S. Nos. 021404, 021405. S. Nos. 2404, 2405.)

Examination of a drug product, known as Palmiacol, having shown that the article was represented to be a germicide and antiseptic, whereas it was not, also that the carton and bottle labels bore statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the western district of New York the interstate shipments herein described, involving quantities of the product located at Buffalo, N. Y.

On November 2, 1929, the United States attorney filed in the district court of the United States for the district aforesaid libels praying seizure and condemnation of 33 packages of Palmiacol, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Trommer Co., Fremont, Ohio.

alleging that the article had been shipped from Fremont, Ohio, in part on April 11, 1929, and in part on July 8, 1929, and had been transported from the State of Ohio into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained a fatty substance, creosote, and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. (Carton) "Properties: Germicide, Antiseptic and * * * Free from Depressant Action upon * * * Vital Functions;" (bottle) "Presenting for medicinal use a drug of value for the treatment of Tuberculosis, chronic or acute Bronchitis, and all catarrhal or inflammatory processes internal or external. * * * devoid of depressant action upon the * * * vital functions. An Antiseptic and Germicide * * * To relieve acute attacks of coughing, asthma, bronchitis, etc." Misbranding was alleged for the further reason that the statements appearing on the carton label, "Properties: Germicide, Antiseptic," and on the bottle label, "An Antiseptic and Germicide," were false and misleading in that the said statements represented that the article contained germicidal and antiseptic properties and that it was an antiseptic and germicide; whereas it did not contain antiseptic and germicidal properties, nor was it an antiseptic and germicide.

On October 22, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18519. Misbranding of extract of malt with yerba santa. U. S. v. 20 Packages of Extract of Malt with Yerba Santa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24195. I. S. No. 021403. S. No. 2403.)

Examination of a drug product, known as extract of malt with yerba santa, from the shipment herein described having shown that the bottle label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the western district of New York.

On November 2, 1929, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 packages of extract of malt with yerba santa, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Trommer Co., Fremont, Ohio, alleging that the article had been shipped on February 23, 1929, from Fremont, Ohio, and had been transported from the State of Ohio into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant material including malt, chloroform, and ammonium chloride.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and in the circular accompanying the said article, regarding its curative and therapeutic effects, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle), "For coughs * * * and respiratory affections. * * * This preparation is remarkably efficacious in all irritations and infections of the throat, lungs, and air passages. Obstinate coughs usually respond with amazing promptitude to the administration of this great combination of the tonic and digestive properties of Trommer Extract of Malt and the proven remedial agents which are combined with it. The addition of well known expectorants to Trommer Extract of Malt presents an effective combination, free from the dangerous opiates and narcotics which so often produce functional derangement to such an extent as to neutralize their value as sedatives to the inflamed mucous membranes, in acute and chronic affections of the throat and lungs;" (circular) "'A return of health lies through a return of the assimilative powers and the use of natural nutriment.' The whole trend of modern medicine is toward the prevention and cure of disease by feeding the body. This does not mean more or larger

meals, for many who are sick remain so because they can not digest or assimilate what they eat. But enlightened medical science seeks to bring the whole bodily mechanism to a state of normal efficiency through its assimilation of vital elements of nourishment supplied in forms which are acceptable, palatable, and digestible. Medical science has long regarded food as the first of remedies. The abundant vitality supplied by suitable foods enables the person to successfully resist the ills and infections which constantly menace everyone. Most diseases can be attributed to a lack of necessary elements which proper foods will supply. Trommer preparations are primarily foods. They meet the requirement of modern medicine that such nutrients shall assist rather than tax digestion. They are pure, agreeable to the palate, and assist in the digestion of other foods which may be taken and the assimilation of the remedial agents which they contain. * * * Trommer Extract of Malt is such a perfect digestant and tonic * * * its use is indicated in all cases of indigestion, chronic dyspepsia, and feeble, exhausted and nervous conditions arising from malnutrition. It aids in the transformation of all starchy foods into blood, bone, tissue, heat, and energy. * * * Its power to render food with which it is combined in the stomach readily digestible. * * * Extract of Malt is today, and has been since its discovery, the one great agent used for the transformation of food into bone, tissue, heat, and energy. * * * Indigestion, malnutrition, and a host of unhealthful conditions appear when there is not enough diastase produced in the body to convert the foods taken. Because it contains so much diastase, Trommer Extract of Malt makes such a splendid agent with which to introduce the bone and tissue building foods * * * into the body. Extract of Malt with Yerba Santa Compound For coughs * * * and respiratory affections. This preparation is remarkably efficacious in all irritations and infections of the throat, lungs, and air passages. Obstinate coughs usually respond with amazing promptitude to the administration of this great combination of the tonic and digestive properties of Trommer Extract of Malt and the proven remedial agents which are combined with it."

On October 22, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18520. Adulteration and misbranding of fluid extract of ergot. U. S. v. 4 Pint Bottles, et al., of Fluid Extract Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25463. I. S. No. 12112. S. No. 3732.)

Examination of samples of fluid extract ergot from the shipment herein described having shown that the article was represented to be a pharmacopoeial product, whereas it had a potency of approximately two-fifths that required by the United States Pharmacopoeia for fluid extract of ergot, the Secretary of Agriculture reported the matter to the United States attorney for the northern district of California.

On December 9, 1930, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 4 pint bottles and thirty-one 4-ounce bottles of fluid extract ergot, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by John Wyeth & Bro. (Inc.), from Philadelphia, Pa., on or about September 30, 1930, and had been transported from the State of Pennsylvania into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part "Fluid Extract Ergot, U.S.P. 10th Revision."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated upon the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Ergot, U.S.P. 10th Revision," was false and misleading.

On December 29, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18521. Adulteration and misbranding of Dr. Pierre's Hygeiaforms. U. S. v. 11 Boxes of Dr. Pierre's Hygeiaforms. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26139. I. S. No. 20106. S. No. 4442.)

Examination of a drug product, known as Dr. Pierre's Hygeiaforms, from the shipment herein described having shown that the circular accompanying the article bore statements representing that it possessed curative and therapeutic properties which it did not possess, also that it was represented to be an antiseptic and germicide, whereas it was not, the Secretary of Agriculture reported the matter to the United States attorney for the southern district of New York.

On March 31, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 boxes of Dr. Pierre's Hygeiaforms, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Dr. Pierre Chemical Co., from Chicago, Ill., on or about October 24, 1930, and had been transported from the State of Illinois into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained boric acid, zinc sulphate, and a quinoline derivative. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that the strength of the said article fell below the professed standard under which it was sold, to wit, "Antiseptic and germicide."

Misbranding was alleged for the reason that the following statements occurring in the circular accompanying the article were false and misleading: "That Hygeiaforms are an antiseptic and germicide which, when mixed one tablet to a quart of water, makes a solution which absolutely destroys germ life. * * * That the Germicidal qualities of Hygeiaforms * * * This antiseptic solution is obtained by dissolving and mixing one Hygeiaforms tablet in a quart of water." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Hygeiaforms * * * actually beneficial because of their healing, strengthening, and tonic effects on the most delicate tissues. * * * Causes of Woman's Ills. Neglect may justly be named the mother of all ill. Health does not leave us rudely nor in haste. It makes a brave and patient struggle and gives us many warnings. If women would only heed Nature's summons and hurry to her assistance while there is still time many an invalid woman slowly wasting from the onslaught of disease may yet be reclaimed * * * in the beginning; when neglected they are very apt to become chronic and affect the whole constitution. If one organ in your body has become weak and you take cold or over-exert your strength, all your organs will languish in sympathy with the weakest one and you will degenerate into a chronic invalid. Diseases of the Pelvic Organs. For the diseases and inflamed condition of the Pelvic organs such as Leucorrhea (the whites), Ammenorrhea (Suppression), Dysmenorrhea (painful periods), Menorrhagia (bleeding), Ovaritis (inflammation), Dr. Pierre's Hygeiaforms are indispensable. The diseased and inflamed conditions of these organs in general, most naturally affect the whole nervous system, culminating in Headaches, Despondency, Melancholy, Hysteria, Crying Spells and Dyspepsia, Tumors, Irregularities and other complicated afflictions are sure to follow these conditions. The system in general quickly responds in sympathy with the diseased condition of the organs. How Dr. Pierre's Hygeiaforms Overcome Leucorrhea and Other Pelvic Derangements. First, by its marvelous antiseptic action which cleanses the parts and destroys pus cells. Second, by its slight astringent properties which tend to restore the dilated Epithelial cells to their normal size, thus enabling them to perform nature's duty normally. Third, by its great Tonic effect upon the organs and the circulation. Under the action of this remedy the discharge gradually ceases, the unpleasant symptoms soon disappear, the food is better assimilated, you commence to gain strength and soon feel like a new woman. We earnestly urge all women so afflicted to use Dr. Pierre's Hygeiaforms. * * * As a tonic and invigorator in Nervous Debility, use one every other night. For Leucorrhea, Catarrh, Prolapse, Version, Flexion, Backache, Suppression of the Natural Flow, due to

a cold, and as a general tonic to any of the Female Organs, use one every other night with an injection of warm water."

On May 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18522. Misbranding of Duncan's Owl tonic. U. S. v. 18 Bottles of Duncan's Owl Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23541. I. S. No. 05397. S. No. 1752.)

Examination of a drug product, known as Duncan's Owl tonic, showed that the labeling represented that the article possessed curative and therapeutic properties in certain ailments for which quinine sulphate is customarily prescribed, and that it contained insufficient quinine sulphate to cure such ailments when taken according to the directions: "One tablespoonful every three hours * * * then two teaspoonfuls three times a day." The labeling bore further statements regarding the curative and therapeutic effects of the article which were not justified by its composition, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 25, 1929, the United States attorney for the middle district of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 bottles of Duncan's Owl tonic, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the Duncan Chemical Co., St. Louis, Mo., on or about January 9, 1929, and had been transported from the State of Missouri into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

The article was labeled in part: (Bottle) "For * * * La Grippe, Influenza, Chills, Malaria, * * * Loss of Appetite, * * * Tired Aching Feeling, and a General System builder;" (Carton) "For * * * Chills, Malaria, * * * LaGrippe and A General System Builder * * * a mild stimulating tonic to the liver * * * assists nature in building up the whole nervous system. * * * for * * * LaGrippe, Chills or Malaria;" (circular) "For * * * la grippe, influenza, chills, malaria, biliousness, loss of appetite, * * * tired, aching feeling, and a general system builder."

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate (18.5 grams per 100 cubic centimeters), quinine sulphate (2.7 grains per fluid ounce), citric acid, a small proportion of iron chloride, and water, colored red.

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the act, paragraph 3, under drugs, in that the statements in the labeling, regarding the curative and therapeutic effects of the said article, were false and misleading and deceived and misled the purchaser. (This department recommended that the libel charge that the statements from the labeling, above quoted, were false and fraudulent.)

On May 5, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18523. Misbranding of Owl tonic. U. S. v. 24 Bottles of Owl Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23545. I. S. No. 05398. S. No. 1753.)

Examination of a drug product, known as Owl tonic, from the shipment herein described showed that the labeling represented that the article possessed curative and therapeutic properties in certain ailments for which quinine sulphate is customarily prescribed, and that it contained insufficient quinine sulphate to cure such ailments when taken according to the directions: "One tablespoon every three hours * * * Then two teaspoonfuls three times a day." The labeling of the article bore further statements regarding its curative and therapeutic effects which were not justified by its composition, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 25, 1929, the United States attorney for the middle district of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying

seizure and condemnation of 24 bottles of Owl tonic, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the Owl Drug Co., Decatur, Ala., on or about January 23, 1929, and had been transported from the State of Alabama into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

The article was labeled in part: (Bottle) "For * * * La Grippe, Influenza, Chills, Malaria, Loss of Appetite, * * * Tired Feeling and a General System Builder;" (carton) "For * * * LaGrippe, Influenza, * * * Dizziness, Chills, Malaria and is a System Builder * * * It acts as a mild stimulating tonic to the liver * * * assists nature in building up the whole nervous system. * * * For * * * LaGrippe, Chills or Malaria."

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate (34.3 grams per 100 cubic centimeters), quinine sulphate (1.5 grains per fluid ounce), a small proportion of iron chloride, hydrochloric acid, and water, colored red.

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the act, paragraph 3, under drugs, in that the statements in the labeling, regarding the curative and therapeutic effects of the said article, were false and misleading and deceived and misled the purchaser. (This department recommended that the charge be brought in the libel that the above-quoted statements from the labeling, were false and fraudulent.)

On May 5, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18524. Misbranding of Lano Fume pneumonia salve. U. S. v. 10 Jars of Lano Fume Pneumonia Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26096. I. S. No. 21771. S. No. 4375.)

Examination of a drug product, known as Lano Fume pneumonia salve, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the district of Colorado.

On or about March 31, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 jars of Lano Fume pneumonia salve, remaining in the original unbroken packages at Pueblo, Colo., consigned by the McKesson-Stewart-Holmes Drug Co., Seattle, Wash., alleging that the article had been shipped from Seattle, Wash., on or about January 17, 1931, and had been transported from the State of Washington into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils (approximately 16 per cent), including eucalyptus oil and camphor, and ammonia incorporated in a base of wool fat.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: "Lano Fume Pneumonia Salve * * * a guaranteed remedy for the relief of Pleurisy, Lumbago, Bronchitis, Croup, Influenza * * * Sore Throat and Pneumonia."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18525. Misbranding and alleged adulteration of Pyro-Chex-antiseptic liquid and Pyro-Chex complete treatment. U. S. v. 13 Small-Sized Bottles of Pyro-Chex Antiseptic Liquid, et al. Default decree of condemnation and destruction. (F. & D. No. 26087. I. S. Nos. 24046, 24047, 24048. S. No. 4381.)

Examination of the drug products from the shipments herein described having shown that they were represented to be antiseptics, whereas they were not, and that the labeling bore statements representing that the articles possessed curative and therapeutic properties which they did not possess, the Secretary

of Agriculture reported the matter to the United States attorney for the district of Kansas.

On or about March 25, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 small-sized bottles and 11 large-sized bottles of Pyro-Chex antiseptic liquid, and 33 packages of Pyro-Chex complete treatment at Wichita, Kans., alleging that the articles were shipped by the Pyro Chex Co., from St. Louis, Mo., between the dates of March 21 and May 2, 1928, and had been transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the Pyro-Chex antiseptic liquid by this department showed that it consisted essentially of small proportions of zinc chloride, sodium chloride, hydrochloric acid, phenolic substances, menthol, alcohol, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the articles were adulterated in that they were sold under the following standard of strength, to wit, "Antiseptic," whereas the strength of the said articles fell below such professed standard in that they were not antiseptic.

Misbranding was alleged for the reason that the following statements appearing in the labeling, (carton for large-sized bottles and complete treatment) "Antiseptic Liquid," (all bottle labels) "Antiseptic Liquid," and (circular accompanying large-sized bottles and complete treatment) "Pyro-Chex is the new and modern method of * * * applying an antiseptic on the afflicted parts. * * * Because Pyro-Chex Antiseptic is a powerful but harmless germ destroyer * * * Answers as an ideal antiseptic for the mouth, teeth and gums," were false and misleading when applied to an article which was not antiseptic. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the articles, appearing in the labeling, were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Carton for large-sized bottle and complete treatment) "Pyro-Chex * * * Treatment for Pyorrhea;" (all bottle labels) "Pyro-Chex * * * Treatment For Pyorrhea and Other Dental Troubles;" (circular accompanying large size and complete treatment) "We are introducing an entirely new treatment that combats Pyorrhea. Massage, as dental authorities will tell you, is a very necessary part of any Pyorrhea treatment. The gums need stimulation through massaging to speed up blood circulation, toughen them and destroy bacteria. Until the introduction of Pyro-Chex, there was no effective way to massage the gums. * * * With this treatment, unhealthy and inflamed gums—when given a vigorous massaging twice a day, will become firm and healthy in the course of a week or ten days; and no other treatment to our knowledge will accomplish such a result. Pyorrhea (Rigg's Disease). This infection and disease is so wide-spread, that it is practically universal * * * Since Pyorrhea and other germ infections can usually be traced to sluggish circulation, it follows that the needed treatment consists of stimulating, restoring, and maintaining normal circulation of red blood through the tissues affected or exposed. Pyro-Chex gum massage, which massages the gums in a vigorous, harmless way—and at the same time applies Pyro-Chex antiseptic right on the affected area, is the scientific and modern way of restoring gum circulation to a normal state and returning bleeding, spongy gums back to a vigorous healthy condition. * * * for bleeding gums and for conditions known to the dental profession as Gingivitis, meaning the beginning of Pyorrhea, Pyro-Chex will not only combat this condition—but will keep the teeth for many years in a healthy condition, in spite of Gingivitis. * * * Such germs develop infection; are carried through the blood and result in such diseases as Rheumatism, Neuritis, Diabetes or diseases of eyes, ears, nose, or throat. A recent routine examination of some 500 persons, of above the average intelligence—professional men and school teachers, showed that 90% had unhealthy gums; ranging from mild inflammation to advanced stages of Pyorrhea. Let us pay as much attention to oral Hygiene as we do to the things that appeal to vanity. * * * Massage and sterilize your gums with Pyro-Chex Massaging Device and Pyro-Chex Antiseptic. Thus you will free yourself and your loved ones from possible infection—which might result in death. Nature's Signals: Bleeding gums. Soreness and unpleasant feeling of gums—and of the teeth when submitted to pressure. Bad

taste in mouth—especially in the morning. Foul breath. Loose teeth—an almost sure sign of Pyorrhea. Delay is dangerous. Do not allow Nature's signals to go by unnoticed, unattended. It may seem ever so unimportant to you to-day; but to-morrow you may find that you have a case of Gingivitis—headed toward Pyorrhea. * * * Since the mouth is the gateway to good health, the constant daily use of Pyro-Chex means guarding your health against many disease germs. It is a powerful antiseptic which is deadly to the germs which cause Pyorrhea and it also cleanses the gums. * * * Relieves Sore Throat. * * * immediate relief it will give when used for sore throat. * * * Start the Children Early. * * * for preservation of the gums and teeth and General Health. Offensive Breath * * * The most common source arises from diseased gums and teeth. Pyro-Chex immediately destroys unpleasant odors by combating the action of bacteria in the mouth. General Directions * * * For bleeding and inflamed gums, use Pyro-Chex Antiseptic full strength until relieved and the disease has been brought under control. Then dilute as above. Continue using as a preventive against recurrence."

On May 18, 1931, no claimant having appeared for the property, judgment was entered finding the products misbranded and ordering that they be condemned and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18526. Misbranding of Kelsey ichthyol suppositories. U. S. v. 32 Boxes of Kelsey Ichthyol Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26114. I. S. No. 15795. S. No. 4406.)

Examination of a drug product, known as Kelsey ichthyol suppositories, from the shipment herein described having shown that the carton label and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the district of Massachusetts.

On March 27, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 boxes of Kelsey ichthyol suppositories, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Southport Chemical Co. (Inc.), from New York, N. Y., on or about November 11, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of cocoa butter in which was incorporated a drug containing ammonia and sulphur compounds.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Hemorrhoids and for Diseases of Women;" (circular) "Particularly efficacious in the following: Hemorrhoids, Fistula in Ano, Prostatitis, Leucorrhea, Vaginismus and Inflammations of the Vagina and Cervix."

On April 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18527. Misbranding of Hooper's Tettremidy. U. S. v. 26 Dozen Bottles, et al., of Hooper's Tettremidy. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26112, 26113. I. S. Nos. 23984, 23986. S. Nos. 4376, 4377.)

Examination of a drug product, known as Hooper's Tettremidy, from the shipments herein described having shown that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the western district of Oklahoma.

On March 31, 1931, the United States attorney filed in the district court of the United States for the district aforesaid libels praying seizure and condemnation of 35½ dozen bottles of the said Hooper's Tettremidy at Oklahoma City,

Okla., consigned by the Eucaline Medicine Co., Dallas, Tex., alleging that the article had been shipped from Dallas, Tex., in part on or about December 18, 1930, and in part on or about January 19, 1931, and had been transported from the State of Texas into the State of Oklahoma, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetic acid (17 per cent), glycerin (29 per cent), traces of arsenic and iron compounds, and water, colored red.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and bottle labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Tettremidy * * * is guaranteed by the manufacturer * * * in the treatment of any skin disease or trouble * * * It is a treatment for Eczema, Tetter, Itch (any form), * * * Hives, Pimples * * * Skin Eruptions, Shingles, Salt Rheum, Ring Worm, Erysipelas, Itching Piles, Old Sores, or other Skin Diseases or troubles * * * Tettremidy is especially guaranteed for the treatment of Dandruff. * * * relieve the Itching, * * * keep the scalp free from Dandruff * * * Tettremidy * * * for Eczema, Tetter and Itch * * * Tettremidy is guaranteed for any skin disease or trouble. Makes no difference of how long standing, such as Tetter, Eczema (any form), Barber's Itch, Seven Year Itch, Army Itch, and Itch in its various forms, Ringworm, Pimples;" (bottle) "Tettremidy for Tetter, Eczema, Itch (all kinds), Ringworm, Pimples, Skin Eruptions, Diseases of the Scalp, * * * For all Skin Troubles * * * for * * * Bunions. * * * Especially for Eczema, Tetter and Itch."

On May 26, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18528. Misbranding of Fem tonic. U. S. v. 37 Bottles of Fem Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26119. I. S. No. 26939. S. No. 4428.)

Examination of a drug product, known as Fem tonic, from the shipment herein described having shown that the bottle and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the northern district of Texas.

On April 2, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 37 bottles of Fem tonic, remaining in the original unbroken packages at Dallas, Tex., alleging that the article had been shipped by the McKesson-Merrell-St. Louis Drug Co., St. Louis, Mo., on or about December 16, 1930, and had been transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including nux vomica and a laxative drug, a small proportion (0.05 per cent) of salicylic acid, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the bottle and carton labels and in the circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For Women * * * Safe and Beneficial During Pregnancy * * * Recommended for Non-Surgical Cases where it is desired to Tone and Strengthen the Female Organs. Correct the conditions commonly known as Painful and Irregular Menstruation and as a palliative for the distress accompanying Menopause (change in life);" (carton) "For Women * * * Recommended for Non-Surgical Cases where it is desired to Tone and Strengthen The Female Organs. Correct the conditions commonly known as Painful and Irregular Menstruation and as a palliative for the distress accompanying Menopause (change in life). Safe and Beneficial During Pregnancy * * * is absolutely safe to use during the entire period of pregnancy. It acts as a valuable aid in reducing the pains of labor and promotes speedy recuperation. * * * Especially Recommended

for Weakness, Disturbed Functions, Leucorrhoea (whites), Scanty, Profuse, Painful and Irregular Menstruation, Distress Accompanying Menopause (change in life), and similar conditions which may be amenable to non-surgical treatment;" (circular) "For Women. Is designed particularly for that condition commonly known as Female Weakness and may be depended upon to produce blessed relief and benefit in even those cases which nothing else seems to reach. It builds up, tones and strengthens the delicate female organs, promoting healthy, vigorous and harmonious activity and helps regulate the functions. It is, therefore, a most dependable internal medicine. For Painful Menstruation including delayed, profuse, scanty and irregular periods; also for the distressing symptoms which accompany the menopause or change in life. Relieves leucorrhoea (whites). During Pregnancy * * * for Women—is not only a safe and dependable medicine but one which will do much toward building up the generative organs, lessening the pains of labor and hastening recuperation after childbirth. For Girls and Young Women who are anemic, weak, nervous, irregular, Fem Tonic for Women—is a blessing. Its strength building properties which exert a beneficial effect upon the entire system and particularly upon the female organs, produce beneficial results if the directions are followed."

On May 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18529. Misbranding of Herb-O-Life. U. S. v. 55 Bottles of Herb-O-Life. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26110. I. S. No. 25397. S. No. 4350.)

Examination of a drug product, known as Herb-O-Life, from the shipments herein described having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the northern district of Illinois.

On March 31, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 55 bottles of Herb-O-Life at Chicago, Ill., alleging that the article had been shipped by the Western Wonder Remedy Co., from Cincinnati, Ohio, in part on October 7, 1930, and in part on February 9, 1931, and had been transported from the State of Ohio into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate, citric acid, plant drug extract, and water, flavored with methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed on the bottle label and in the circular, namely: (Bottle) "Herb-O-Life * * * Gives Vim and Vigor to Weak Men and women;" (carton) "Herb-O-Life * * * Vigor to Weak Men and Women * * * Painful, suppressed or Deficient Menstruation, Leucorrhea (Whites), Falling of the Womb and Ovarian Troubles. Some of the Symptoms of Female Weakness. * * * interest in life, Headache, pains in the back, pains across the lower part of the abdomen, bearing down pains, Leucorrhea. Frequent urinations, bladder difficulty, constipation of the bowels, often causing piles. Great soreness across lower part of bowels and in region of the ovaries, often, if not receiving proper attention, resulting in ovarian tumors. Congestion, inflammation, ulceration of the womb; falling of the womb, forward, backward, and downward. As a direct and positive relief to all of the above, the laxative qualities of Herb-O-Life indicate its usefulness in assisting nature to revitalize the system and impart Life—Vigor—Usefulness! * * * Herb-O-Life * * * Its ingredients act collectively upon the eliminative organs of the human body, by driving from the system Morbific Germs or Microbes, the cause of disease. * * * A Valuable Medicine for Blood Disorders, Catarrh, Rheumatism, Kidney and Bladder Complaints, Liver and Bowel Troubles, Dyspepsia, Indigestion, Gastritis, Sour Stomach, Nervousness, Sick Headache, Dizziness, Biliousness, Malaria, Chills, Ague, Fevers, Pains in the Chest, Back or Side, Skin Diseases, Bad Blood, Pimples, Old Sores, General Debility, Lost Vitality, * * * As a Remedy for Female Weakness and Irregularities It Has No Equal. Stomach, Liver, or Kidneys

* * * A Proper Use of Herb-O-Life Will Be Found Effective in Such Cases.
 * * * Jaundice * * * Nervous Headache, Swimming of the Head.
 * * * Ringing in the Ears, Dizziness, Hot and Throbbing Head, * * *
 Weakness, Listlessness, Depression of Spirit, great Mental Depression, General Debility, Faintness, Disturbed Sleep, Pallor, Drowsiness, Sleeplessness, Nightmare, Indigestion, Loss of Appetite, Furred Tongue, * * * Gnawing or Burning in pit of Stomach, * * * Highly Colored and Scalding Urine, Irritable Bladder."

On May 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18530. Misbranding of Dr. Livingston's Dyspepsine. U. S. v. 30 Bottles of Dr. Livingston's Dyspepsine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26143. I. S. No. 27109. S. No. 4439.)

Examination of a drug product, known as Dr. Livingston's Dyspepsine, from the shipment herein described having shown that the bottle label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the northern district of Texas.

On April 4, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of Dr. Livingston's Dyspepsine, remaining in the original unbroken packages at Dallas, Tex., alleging that the article had been shipped by the Livingston Medicine Co., from Griffin, Ga., in December, 1930, and had been transported from the State of Georgia into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, magnesium carbonate, sodium bicarbonate, a small proportion of a phosphate, extracts of plant drugs including a laxative drug, and starch.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Dyspepsine * * * Has no Equal for an Acute Attack of Indigestion * * * A Speedy and Permanent Relief for Indigestion, Dyspepsia * * * Colic, * * * and for Heart trouble it is unequaled. Gives instantaneous relief in Acute attacks of Indigestion."

On May 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18531. Misbranding of Vinco herb tablets. U. S. v. 16 Dozen Small-Sized Packages, et al., of Vinco Herb Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26106, 26231, 26273, 26324. I. S. Nos. 676, 697, 738, 749. S. Nos. 4399, 4533, 4586, 4626.)

Examination of a drug product, known as Vinco herb tablets, from one of the shipments herein described having shown that the box labels and the inclosed circulars bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the southern district of California.

On April 4, April 15, April 22, and May 4, 1931, the United States attorney filed in the district court of the United States for the district aforesaid libels praying seizure and condemnation of 126 dozen small-sized packages and 8 7/12 dozen large-sized packages of Vinco herb tablets, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Vinco Herb Co., Dayton, Ohio, alleging that the article had been shipped from Dayton, Ohio, in various consignments on or about September 25 and 26, 1930, and February 20 and March 30, 1931, and had been transported from the State of Ohio into the State of California, and charging misbranding in violation of the food and drugs act as amended. On June 25, 1931, the marshal having seized 5½ dozen large-sized packages under the libel filed May 4, 1931, instead of the 4 dozen packages recommended for seizure, an order was entered amending the said libel.

Analysis of a sample of the article by this department showed that the tablets contained extracts of plant drugs including capsicum, hydrastis, and a laxative drug. They contained no cinchona alkaloids.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the box label and in the circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Portion of box labels) "For Stomach, Liver * * * And System. If Indigestion * * * give you trouble; if you need a Stomach Tonic; * * * or your Blood impure—don't fail to try Vinco Herb Tablets. Intended for the Stomach, Liver * * * and System;" (remainder of box labels) "For Stomach, Liver * * * And System. If Indigestion * * * give you trouble; if you need a Stomach Tonic; * * * or are you bilious—don't fail to try Vinco Herb Tablets. Intended for the Stomach, Liver * * * and system;" (circular, "Gives real relief from stomach distress * * * perhaps the whites of your eyes are yellow, or skin dry, yellow and spotted, and your side, back and shoulders ache. If so, you may be sure you have a torpid or congested liver, which can be greatly benefited by the use of Vinco Herb Tablets. * * * A Word to Women: In cases of temporary irregularity, tardiness or suppression of the menstrual discharge, if wholly chargeable to sluggish functional action of the sexual system induced by constipation of the bowels, 'Vinco' Herb Tablets will prove very beneficial. Females are advised to take two tablets with a cup of hot ginger tea. * * * Intended as a System Cleanser * * * Contains only the most purifying and health-giving roots, herbs and barks. * * * aid digestion; help to give renewed strength and vigor by helping to restore the system to its normal, healthy condition. [Translation from the Italian] * * * In order to enjoy life better, to render your habits calm and serene under pressure of work, it is necessary that you try a box of 'Vinco' Herb Tablets (for Liver and Stomach), * * * They not only give temporary relief but they Cure by removing the cause. They invigorate the diseased organs to their normal functions. For the stomach, for the liver, for the blood. Sure remedy for indigestion * * * bile, jaundice * * * melancholia, malaria, and all diseases of the liver. * * * [Translation from the Spanish] If you suffer with indigestion * * * if you need a tonic for the stomach * * * and your blood is impure, try the 'Vinco' Herb Tablets. * * * for diseases of the stomach, liver, kidneys and blood; * * * diseases of women, diseases of the skin, catarrh, etc., and all diseases caused by the blood. * * * [Translation from the German] Do you suffer with indigestion? * * * Do you sleep well at night or are you restless and nervous? A sluggish condition of the system is almost always the cause of disorders of this kind * * * for the stomach, liver, kidneys and blood, also for * * * female diseases, catarrh, etc., and for all disorders resulting from impure blood * * * [Translation from the Swedish] * * * are intended for the stomach, the liver, the kidneys and the blood; also for * * * female diseases, skin affections, catarrh, etc., and for all diseases caused by the blood * * * [Translation from the French] * * * are most efficacious for the stomach, the liver, the kidneys and the blood; for * * * the intestines, diseases of women, cutaneous affections, catarrh, etc., and all affections arising from impurity of the blood * * * [Translation from the Russian] Do you Suffer with a Bad Stomach? Indigestion. * * * Do you sleep well at night or is your sleep restless and nervous? * * * for the stomach, liver, kidney and blood, also for indigestion, female diseases, skin diseases, catarrh, etc. and for diseases arising from impure blood."

On June 3, June 30, and July 21, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18532. Misbranding of Clotol con Creosota y Guayacol. U. S. v. 3 Dozen Bottles of Clotol con Creosota y Guayacol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26149. I. S. No. 5768. S. No. 4452.)

Examination of a drug product, known as Clotol con Creosota y Guayacol, from the shipment herein described having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess,

the Secretary of Agriculture reported the matter to the United States attorney for the district of Porto Rico.

On April 7, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen bottles of Clotol con Creosota y Guaiacol at San Juan, P. R., alleging that the article had been shipped on or about January 6, 1931, by the Wm. S. Merrell Co., Cincinnati, Ohio, to San Juan, P. R., and that it was being offered for sale and sold in Porto Rico, by Manuel Barreto, San Juan, P. R., and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of creosote, extracts of plant drug including wild cherry, hypophosphites, maltose, alcohol, and water.

It was alleged in the libel that the article was misbranded in that certain statements appearing in Spanish in the labeling, of which the following is a translation, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle) "Clotol * * * Wine of Cod Liver Oil with Creosote and Guaiacol * * * is indicated during the first stages of pulmonary tuberculosis, in chronic muscular rheumatism, scrofulous lesions of the skin, dilated lymphatic glands, tertiary syphilis, bronchitis, marasmus and anaemia;" (circular) "Clotol With Creosote and Guaiacol * * * for different pulmonary affections where there exists fetid expectoration, diminishing the temperature and at the same time alleviating the cough. * * * for the treatment of all affections of the respiratory tract, pulmonary tuberculosis, subacute and chronic bronchitis, chronic laryngitis, obstinate cough with fetid and viscous expectoration and general debility due to faulty nutrition. Clotol with Creosote and Guaiacol has given satisfactory results in the treatment of intestinal tuberculosis and chronic gastritis with fermentation. In addition to being a specific for the above-mentioned diseases, Cloto, with Creosote and Guaiacol, is generally a powerful stimulant and an extraordinary nutritive agent."

On May 5, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18533. Adulteration and misbranding of tincture of valerian. U. S. v. 50 Gallons of Tincture of Valerian U. S. P. Default decree of destruction entered. (F. & D. No. 26160. I. S. No. 27481. S. No. 4462.)

The product herein described was invoiced as tincture of valerian U. S. P. and failed to conform to the requirements of the United States Pharmacopoeia, since it contained little, if any, extractive material derived from valerian. The container bore no statement on the label of the quantity or proportion of alcohol contained in the article.

On April 2, 1931, the United States attorney for the western district of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 gallons of a product, invoiced as tincture of valerian U. S. P., at Kansas City, Mo., alleging that the article had been shipped by Jordan Bros. Co., from Brooklyn, N. Y., on or about August 21, 1930, and had been transported from the State of New York into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it contained little or no extractive material derived from valerian, but did contain resinous material, alcohol (67.5 per cent by volume), and water.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the name of another article, and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article.

On June 5, 1931, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18534. Misbranding of Neu-Carb. U. S. v. 2 Dozen Bottles of Neu-Carb. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26161. I. S. No. 4748. S. No. 4431.)

Examination of a drug product, known as Neu-Carb, from the shipment herein described having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the southern district of New York.

On April 1, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 2 dozen bottles of Neu-Carb, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Gibson-Howell Co., from Jersey City, N. J., on or about February 6, 1931, and had been transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of tablets containing calcium carbonate (42 per cent), magnesium carbonate (15 per cent), starch, talc, and a bland oil (4 per cent), flavored with peppermint oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and bottle labels and in the circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "A specific for all ailments due to acidity or acidosis such as * * * Sea Sickness, Auto-Intoxication * * * invaluable for neutralization of acid mouth in the treatment and prevention of Pyorrhea * * * Directions—For Digestive troubles. * * * For prevention of Acid Mouth. * * * Especially recommended for stomach disorders of children;" (bottle) "A specific for ailments due to acidity or acidosis, such as * * * auto-intoxication, * * * acid mouth, etc. Valuable for treatment and prevention of pyorrhea. * * * For digestive troubles. * * * For prevention of acid mouth, * * * recommended for stomach disorders of children;" (circular) "A specific for ailments due to acidity or acidosis. Useful in the treatment and prevention of Pyorrhea. * * * This not only immediately neutralizes all acid present in the mouth but affords protection against further acid formation, without however, creating an artificial alkaline reaction. * * * Physician will quickly appreciate the wide range of usefulness to which this prescription is applicable; acid mouth, * * * eructation of food; * * * intestinal toxemia; mucous colitis; sea sickness or train sickness; * * * etc. In any condition of the digestive tract requiring treatment and not traceable to organic derangement * * * Stomach disorders of infants and children are quick to respond to small doses frequently repeated."

On May 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18535. Misbranding of Pulbromol. U. S. v. 24 Dozen Bottles of Pulbromol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26212. I. S. No. 5749. S. No. 4512.)

Examination of a drug product, known as Pulbromol, from the shipment herein described having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the district of Porto Rico.

On or about April 20, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 dozen bottles of Pulbromol at Arecibo, P. R., alleging that the article had been shipped by Brewer & Co.(Inc.), Worcester, Mass., on or about December 21, 1929, to Arecibo, P. R., and that it was being sold and offered for sale in Porto Rico by Fulgencio Lucio, Arecibo, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, sodium benzoate, a trace of guaiacol or a similar drug, a small proportion of alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Pulbromol * * * Expectorant. Recommended in acute and chronic cases of broncho-pulmonary affections, violent and spasmodic coughs, whooping cough, and for affections of the respiratory tract."

On May 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18536. Adulteration and misbranding of solution of ergot. U. S. v. 1 Carton Containing 6 Ampoules of Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26232. I. S. No. 27353. S. No. 4552.)

Analysis of samples of ergot from the shipment herein described having shown that the product was practically inert in regard to ergot potency, the Secretary of Agriculture reported the matter to the United States attorney for the southern district of Ohio.

On April 16, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of one carton containing 6 ampoules of solution of ergot at Cincinnati, Ohio, alleging that the article had been shipped by the Abbott Laboratories from North Chicago, Ill., on or about January 21, 1931, and had been transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ampoules Ergot."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength and quality as determined by the test laid down in the said pharmacopœia official at the time of the investigation, since it was practically inert as regards ergot potency. Adulteration was alleged for the further reason that the strength of the article fell below the professed standard and quality under which it was sold, namely: (Carton) "1 c. c. * * * Ampoules Ergot For Hypodermic Administration * * * Physiologically Standardized Dose—One-half to two ampoules, hypodermically; repeated in one hour if needed."

Misbranding was alleged for the reason that the statements to wit, "1 c. c. Ampoules Ergot For Hypodermic Administration * * * Physiologically Standardized Dose—One-half to two ampoules, hypodermically; repeated in one hour if needed," appearing on the carton, and the statement "Ergot Solution," on the individual ampoule carton and on the individual ampoule label, were false and misleading.

On May 25, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18537. Misbranding of 555 Jarabe. U. S. v. 27 Bottles of 555 Jarabe. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26108. I. S. No. 5767. S. No. 4407.)

Examination of a drug product, known as 555 Jarabe, having shown that the circular contained statements representing that the said article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the district of Porto Rico, that a quantity of the product was being sold and offered for sale at San Juan, P. R.

On or about April 13, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 bottles of the said 555 Jarabe at San Juan, P. R., alleging that the article was in possession of the Sociedad Cooperativa Farmaceutica de Puerto Rico, San Juan, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of creosote, a calcium compound, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular, translation from Spanish) "We recommend the use of '555' several days after the cough has ceased in order to insure a permanent cure. * * * for older or more serious affections we recommend the large-sized bottle * * * For cough in an advanced stage, such as chronic bronchitis and for the dry cough that remains after an attack of gripe or influenza * * * Calcium and Creosote act as reconstituents for weak persons and for persons susceptible to affections of the respiratory tract and tuberculosis. * * * Syrup '555' is an ideal * * * antiseptic and reconstituent for pulmonary affections."

On May 5, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18538. Adulteration and misbranding of ether. U. S. v. One hundred and thirteen 1-Pound Cans of Ether. Default decree of condemnation and forfeiture. Product ordered destroyed or released to Federal agency. (F. & D. No. 26178. I. S. No. 28271. S. No. 4490.)

Tests of ether from the shipment herein described having shown that certain samples fell below the requirements of the United States Pharmacopoeia in that they contained greater proportions of acid and of nonvolatile material than are permitted by the United States Pharmacopoeia, the Secretary of Agriculture reported the matter to the United States attorney for the western district of Pennsylvania.

On April 6, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of one hundred and thirteen 1-pound cans of ether, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the J. T. Baker Chemical Co., from Phillipsburg, N. J., on or about March 17, 1931, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether * * * U. S. P. X."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether * * * U. S. P. X.," was false and misleading.

On May 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, or released, upon request, to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18539. Misbranding of Cow-Calf compound. U. S. v. 29 Bottles of Cow-Calf Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26201. I. S. No. 24476. S. No. 4510.)

Examination of a drug product, known as Cow-Calf compound, having shown that certain statements appearing on the bottle label and in the circular, and testimonials accompanying the article, represented that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the southern district of Illinois the shipment herein described, involving a quantity of the product located at Armington, Ill.

On April 10, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 bottles of Cow-Calf compound at Armington, Ill., alleging that the article had been shipped by Dr. Warren A. Bozarth (formerly Froberg Remedy Co.), from Valparaiso, Ind., on or about March 24, 1931, and had been transported from the State of Indiana into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of phenol (2.6 per cent), traces of calcium chloride and calcium hypochlorite, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Cow-Calf Compound A Purifier Nine Treatments for One Animal;" (circular) "Cow-Calf Control (C. C. C.) Cow Calf Control is used to combat contagious abortion and is put out under the absolute binding guarantee that it will stop every case of abortion—that every cow treated will deliver a healthy, normal calf, or the treatment cost is refunded—C. C. C. has proven practically 100% successful. If you are troubled with contagious abortion in your herd, write today for literature and prices on C. C. C. * * * [Testimonials] About a year ago I Used your Cow-Calf Control Treatment on abortion and have to say that I had excellent results. I had one cow among my herd which aborted two or three times and the last time I had to get the foetus removed by a veterinarian. * * * I used your abortion treatment and this same cow has a good healthy calf now as good as any time before. My cows were served only once after I had used your treatments and all came with calf. I cannot praise your treatments high enough for I had such excellent results from it. All the veterinarians around here whom I consulted told me to dispose of my entire herd and there is no cure for abortion."

On May 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18540. Misbranding of Dipsol. U. S. v. 4½ Dozen Bottles of Dipsol. Default decree of condemnation and destruction. (F. & D. No. 26265. I. S. No. 28272. S. No. 4559.)

Examination of a drug product, known as Pipsol, from the shipments herein described having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the western district of Pennsylvania.

On April 23, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 4½ dozen bottles of Dipsol, remaining in the original unbroken packages at Washington, Pa., alleging that the article had been shipped by the Bessell Chemical Co., from Hackensack, N. J., on or about March 21, 1931 (in part on April 3, 1931), and had been transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium chlorate (2 per cent), citric acid (2.6 per cent), and water (95.4 per cent).

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "The Little Specialist for Sore Throat, Mouth Troubles, Tonsillitis, Baby's Sore Mouth * * * Aids in Prevention of Influenza and Diphtheria;" (circular) "The Little Specialist for Sore Throat, Mouth Troubles, Tonsillitis, Baby's Sore Mouth * * * Tickling Cough, Apthea, Thrush and Spru * * * for Sore Throat. A quick, safe and soothing antiseptic relief for Sore Throats, Quinsy Sore Throat, Smoker's Sore Throat, Tonsillitis, Coryza, all Mouth Troubles, Apthea, Thrush, Spru, Tickling Cough. * * * Baby's Sore Mouth * * * Aids in Prevention of Influenza, Diphtheria. Sore Throat is positively relieved in a few doses if taken regularly. * * * Quinsy: An acute inflammation of the tonsil with fever. * * * will reduce the inflammation immediately and bring down the fever, and end the condition within a few days. Tonsillitis: Inflammation of the tonsils. This condition will be relieved in a few days * * * Apthea: Small, white ulcers on mouth will disappear after a few doses of * * * Spru and Baby's Sore

Mouth: Small sores appearing in mouth and beneath tongue, a condition which will be readily relieved by a few doses of * * * Coryza: Catarrhal inflammation of the nose. To obtain the best and quickest relief from this condition take a dessert spoonful * * * Influenza, a Catarrhal Fever with great prostrations and various symptoms and sequels, first showing in forms of Sore Throat. Dipsol will prevent the Flu by coating the throat with a germicide, which checks the progress of the disease. If exposed to Flu, take four times a day and continue until danger is past. Diphtheria, an infectious depressing disease with a membranous discharge of fluids on mucous membranes. This will be prevented by the regular use of Dipsol four times daily and continuing until danger of infection is past. * * * Keep Dipsol on hand always as a safeguard for all throat and mouth troubles;" (bottle) "A quick, safe remedy for Sore Throat, Mouth Troubles, Tonsilitis, Quinsy Sore Throat, Baby's Sore Mouth, * * * and Stomach Trouble. Aids in Prevention of Influenza and Diphtheria. Sore Throat Positively Relieved in a Few Doses * * * Dose. One teaspoonful in a little water three or four times daily. More often, if necessary."

On June 10, 1931, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18541. Misbranding of Dr. Lee's pills for kidneys. U. S. v. 5 Dozen Bottles of Dr. Lee's Pills for Kidneys. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26257. I. S. No. 29706. S. No. 4409.)

Examination of a drug product, known as Dr. Lee's pills for kidneys, from the shipments herein described having shown that the bottle label and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the eastern district of Pennsylvania.

On April 27, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of five dozen bottles of Dr. Lee's pills for kidneys, remaining in the original unbroken packages at Easton, Pa., consigned by Brewer & Co. (Inc.), Worcester, Mass., alleging that the article had been shipped from Worcester, Mass., in part on or about January 16, 1931, and in part on or about March 4, 1931, and had been transported from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of material derived from vegetable drugs such as buchu, uva ursi, and pichi.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said articles were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Pills for Kidneys. A Treatment for certain Kidney And Bladder Troubles * * * May be used in the treatment of certain Inflammations of the Kidneys and Bladder, Backache, Constant desire to Urinate, and troubles resulting from an abnormal action of the Kidneys. Directions. For pain in the Back and Lumbago, take one pill * * * If there is much inflammation of the bladder, or the urine is scanty or dark colored, take two * * * This treatment should be continued with regularity, until at least one box of the pills have been taken, or relief has been obtained. Sometimes it being necessary to take two or three boxes;" (circular) "Kidney Disorders. The Kidneys might be called the filters of the system and any irregularity in their function may cause very complicated disturbances in the normal conditions of health. One function of the kidneys is to eliminate uric acid. The function of Kidney Pills is to assist in enabling the kidneys to eliminate uric acid so that it will pass out of the system with other waste products. The pills are indicated in Kidney or Bladder complications which are followed by such symptoms as Backache or frequent desire to urinate. One of the most essential features of preserving the health is to keep the Kidneys in good condition. The occasional use of these pills may be helpful. Directions. One pill three times * * * for Lumbago and Pains in the Back. If the urine is very high colored and scanty, two or three pills taken

three times a day, will not be too much. In all cases they should be taken with regularity, and the treatment should be continued until the full effect of the remedy is obtained, which can be easily perceived by feeling of relief and general improvement in health."

On May 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18542. Misbranding of Dr. Lee's vegetable female cordial. U. S. v. 3 Dozen Bottles of Dr. Lee's Vegetable Female Cordial. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26259. I. S. No. 29708. S. No. 4409.)

Examination of a drug product, known as Dr. Lee's vegetable female cordial, from the shipment herein described having shown that the article contained less alcohol than declared on the label, and that the carton and bottle labels bore statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the eastern district of Pennsylvania.

On April 25, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen bottles of Dr. Lee's vegetable female cordial, remaining in the original unbroken packages at Easton, Pa., consigned by Brewer & Co. (Inc.), Worcester, Mass., alleging that the article had been shipped from Worcester, Mass., January 16, 1931, and had been transported from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs such as viburnum, sugar, alcohol (by volume 8.3 per cent), and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton label, "Alcohol 12%," was false and misleading when applied to an article containing a less amount. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration was incorrect. Misbranding was alleged for the further reason that the following statements appearing on the carton and bottle labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Female Cordial * * * Highly recommended for Nervous Prostration, Sick Headache, Chronic Congestion, Inflammation of the Womb, Irregular or Painful Menstruation, Leucorrhoea, Vomiting in Pregnancy and All Diseases Peculiar to Women. For Relieving Pain it has no equal * * * speedily restores the system wasted by disease to a healthy normal condition. * * * Female Regulator * * * The Great Female Remedy For Women;" (bottle) "Female Cordial * * * Suggested as a treatment for certain Weakening Disorders of the Female Generative Organs in ailments not requiring Surgical Treatment."

On May 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18543. Misbranding of Dr. Lee's Wonderful herb tonic. U. S. v. 63 Bottles of Dr. Lee's Wonderful Herb Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26258. I. S. No. 29707. S. No. 4409.)

Examination of a drug product, known as Dr. Lee's Wonderful herb tonic, from the shipments herein described having shown that the article contained drugs other than herbs and that the carton and bottle labels bore statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the eastern district of Pennsylvania.

On April 25, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 63 bottles of Dr. Lee's Wonderful herb tonic, remaining in the original unbroken packages at Easton, Pa., consigned by Brewer & Co. (Inc.), Worcester,

Mass., alleging that the article had been shipped from Worcester, Mass., in various consignments, on or about April 28, 1930, November 20, 1930, and March 2, 1931, and had been transported from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of plant drugs including aloe and sarsaparilla, a small amount of an iodine compound, methyl salicylate, sassafras oil, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the statement appearing on the label, "Wonderful Herb Tonic," was false and misleading when applied to an article containing material other than herbs. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Specially Recommended for Rheumatism, Lumbago and all Disorders caused by Uric Acid. The result of proper Selection of Herbs. Carefully and Scientifically Prepared to make an Effective Remedy for Diseases of the Stomach, Liver, Kidneys and Bowels. A Grand Nerve Tonic, System Cleanser * * * System Purifier for All Blood Diseases, Stomach and Liver Difficulties such as Dyspepsia, Biliousness, Catarrh, Liver Complaints, Rheumatism, Enlargement of Liver, Diseases of the Kidneys * * * Nervous Debility;" (bottle) "Herb Tonic * * * System Purifier for All Blood Diseases, Stomach and Liver Difficulties such as Dyspepsia, Biliousness, Catarrh, Liver Complaints, Rheumatism, Enlargement of Liver, Diseases of the Kidneys * * * Nervous Debility."

On May 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18544. Misbranding of Dr. Lee's nervine tonic. U. S. v. 33 Bottles of Dr. Lee's Nervine Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26260. I. S. Nos. 29709, 30905. S. No. 4409.)

Examination of a drug product, known as Dr. Lee's nervine tonic, from the shipments herein described having shown that the article contained less alcohol than declared on the label, and that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the eastern district of Pennsylvania.

On April 25, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 33 bottles of Dr. Lee's nervine tonic, remaining in the original unbroken packages at Easton, Pa., consigned by Brewer & Co. (Inc.), Worcester, Mass., alleging that the article had been shipped from Worcester, Mass., in part on or about October 10, 1930, and in part on or about March 24, 1931, and had been transported from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including celery, alcohol (by volume 18.5 per cent), sugar, and water.

It was alleged in the libel that the article was misbranded in that the statement appearing on the carton label, "Alcohol 24%," was false and misleading when applied to an article containing a less amount. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration was incorrect. Misbranding was alleged for the further reason that the following statements appearing on the carton and bottle labels, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Nervine Tonic * * * Suggested as an aid in the treatment of Weak & Shattered Nerves, Nervous Debility, Weakness, Despondency, Nervous & Simple Headache, Loss of Appetite, and other Affections of the Nervous System;" (bottle) "Nervine Tonic * * * Suggested as a treatment for Nervous Debility, Nervous and Simple Headache, Loss of Appetite and as a General Tonic."

On May 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18545. Misbranding of Dr. Lee's Prescription No. 3566. U. S. v. 5 Dozen Bottles of Dr. Lee's Prescription No. 3566. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26261. I. S. No. 29710. S. No. 4409.)

Examination of a drug product, known as Dr. Lee's Prescription No. 3566, from the shipments herein described having shown that the article contained less alcohol than declared on the label and that the bottle and carton labels bore statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the eastern district of Pennsylvania.

On April 25, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 dozen bottles of Dr. Lee's Prescription No. 3566, remaining in the original unbroken packages at Easton, Pa., consigned by Brewer & Co. (Inc.), Worcester, Mass., alleging that the article had been shipped from Worcester, Mass., in part on or about October 10, 1930, and in part on or about February 27, 1931, and had been transported from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs such as uva ursi, alcohol (by volume 18.3 per cent), and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton, "Alcohol 24%," was false and misleading when applied to an article containing a less amount. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration was incorrect. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the carton and bottle labels, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "A treatment for Disorders of the Kidneys, Bladder & Backache Trouble * * * Suggested as an aid in the treatment of Preliminary disorders leading to Acute and Chronic Diseases of the Kidneys, Liver and Bladder, Uric Acid, Gravel, or Stone in the Bladder, Retention of Urine, Pains in Urinating, Thick, Sluggish or Scanty Urine, Irritation, Inflammation or Catarrh of the Bladder, Pain in Urethra, Diabetes and Gout;" (bottle) "A treatment for Disorders of the Kidneys, Bladder & Backache Trouble * * * Suggested as an aid in the treatment of Preliminary disorders leading to Acute and Chronic Diseases of the Kidneys, Gravel or Stone in the Bladder, Catarrh of the Bladder, Bladder and Urinary Disorders."

On May 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18546. Misbranding of Dr. Lee's rheumatic elixir. U. S. v. 3 Dozen Bottles of Dr. Lee's Rheumatic Elixir. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26262. I. S. No. 29711. S. No. 4409.)

Examination of a drug product, known as Dr. Lee's rheumatic elixir, from the shipment herein described having shown that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the eastern district of Pennsylvania.

On April 25, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen bottles of Dr. Lee's rheumatic elixir, remaining in the original unbroken packages at Easton, Pa., consigned by Brewer & Co. (Inc.), Worcester, Mass., alleging that the article had been shipped from Worcester, Mass., on or about February 16, 1931, and had been transported from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate (7.8 per cent), alcohol, sugar, flavoring material, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and bottle labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Rheumatic Elixir * * * Useful in the treatment of Gout, Lumbago, Kidney Ailments of certain kinds and Inflammation of the Joints * * * Rheumatic Elixir. A preparation for people afflicted with Acute, Chronic, Inflammatory or Sciatic Pains and Gout;" (bottle) "Rheumatic Elixir * * * For people afflicted with such ailments as Acute, Chronic, Inflammatory or Sciatic Pains, Rheumatic Pains, Gout, Lumbago and Inflammation of the Joints."

On May 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18547. Adulteration and misbranding of Dr. Lee's Antiseptine powder. U. S. v. Twenty-four ¼-Pound Sized Bottles, et al., of Dr. Lee's Antiseptic (Antiseptine) Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26263. I. S. Nos. 29712, 29713. S. No. 4409.)

Examination of a drug product, known as Dr. Lee's Antiseptine powder, from the shipments herein described having shown that the article was represented to be antiseptic, whereas it was not, also that the label bore statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the eastern district of Pennsylvania.

On April 25, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-four ¼-pound bottles and twenty 1-pound bottles of Dr. Lee's Antiseptic (Antiseptine) powder, remaining in the original unbroken packages at Easton, Pa., consigned by Brewer & Co. (Inc.), Worcester, Mass., alleging that the article had been shipped from Worcester, Mass., in part on or about October 10, 1930, and in part on or about January 29, 1931, and had been transported from the State of Massachusetts into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric acid and aluminum sulphate (7.7 per cent), salicylic acid (0.08 per cent), and small proportions of menthol, thymol, eucalyptol, and methyl salicylate. The article was not antiseptic when used as directed.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (carton) "Antiseptic," and the strength of the said article fell below such professed standard, in that it was not antiseptic when used according to directions.

Misbranding was alleged for the reason that the following statements, appearing in the labeling, were false and misleading when applied to an article which was not antiseptic when used according to directions: "Antiseptine * * * Antiseptic * * * Douche—Heaping teaspoonful to 2 quarts hot water. * * * Internal Hemorrhoids—teaspoonful to pint cold water, injected * * * Reducing Temperature—Tablespoonful in a pint warm water, bathe freely * * * Gastric and Intestinal Irrigation—Level teaspoonful to pint warm water. Cystitis—Level teaspoonful to quart warm water. Nose and Throat—Level teaspoonful to pint warm water, * * * Nasal Douche. Gargle—teaspoonful to glass warm water * * * Douche the parts regularly according to directions with Antiseptine Powder in solution in order that its * * * antiseptic action may cleanse and heal the affected parts." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the label, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Relieves Irritation and Soreness of Unhealthy and Diseased Mucous Membranes. Indications—Internal Hemorrhoids, Cystitis, Nose and Throat Irritations, Leucorrhoea, Pruritis and Vaginal Irritation. * * * remedial effects in such ailments

as Catarrhal conditions of the nose and throat, Tonsillitis, Prickly Heat, Hives, Sunburn, Eczema, * * * Pruritis Vulva, Pruritis Anii and Internal Hemorrhoids. * * * Pruritis * * * Internal Hemorrhoids * * * Reducing Temperature * * * Useful in Typhoid Pneumonia, Scarlet Fever, Chicken Pox, Measles, etc. Gastric and Intestinal Irrigation * * * Cystitis * * * Leucorrhea—This affection consists of a whitish, yellowish, or greenish mucus discharge from the Vagina. * * * Treatment.”

On May 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18548. Misbranding of Jarabe Magnetico Antireumatico. U. S. v. 2 Dozen Bottles of Jarabe Magnetico Antireumatico. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26192. I. S. No. 5758. S. No. 4511.)

Examination of a drug product, known as Jarabe Magnetico Antireumatico, from the shipment herein described having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the district of Porto Rico.

On or about March 20, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of two dozen bottles of Jarabe Magnetico Antireumatico at Lares, P. R., alleging that the article was in possession of the Central Sales Agency Co., Lares, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate, potassium iodide, extracts of plant drugs, alcohol (20 per cent by volume), sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the bottle and carton labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Translation) “Antirheumatic Syrup Magnetic. * * * Valuable preparation for the treatment of inflammatory, muscular and articular rheumatism, gout, lumbago, sciatica, arthritis, and all manifestations of acute or chronic rheumatism * * * The Antirheumatic Magnetic Syrup is used for the treatment of inflammatory, muscular and articular rheumatism.”

On May 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18549. Misbranding of Chinese medicine. U. S. v. 80 Bottles of Chinese Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26176. I. S. No. 12400. S. No. 4485.)

Examination of a drug product, known as Chinese medicine, from the shipment herein described having shown that the package label bore a statement representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the western district of Washington.

On April 3, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 80 bottles of Chinese medicine, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Jai Ting Co., San Francisco, Calif., on or about March 10, 1931, and had been transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including a laxative drug, sugar, alcohol (29 per cent), and water.

It was alleged in the libel that the article was misbranded in that the statement on the package, regarding the curative or therapeutic effects of the article, “For Kidney and Bladder Trouble,” was false and fraudulent.

On May 4, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18550. Misbranding of Vernas. U. S. v. 11 Large-Sized Bottles, et al., of Vernas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26251. I. S. Nos. 27953, 27954, 27955. S. No. 4356.)

Examination of a drug product, known as Vernas, from the shipment herein described showed that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. It was further claimed for the article that it was an antiseptic for certain purposes when diluted according to directions, whereas it was not.

On April 20, 1931, the United States attorney for the eastern district of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 large-sized bottles, 22 medium-sized bottles, and 34 small-sized bottles of Vernas, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Vernas Chemical Co., Paterson, N. J., alleging that the article had been shipped from Paterson, N. J., on or about December 17, 1930, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the food and drug act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc chloride, saccharin, volatile oils including clove oil, cassia oil, and peppermint oil, alcohol, glycerin, and water. Bacteriological examination showed that the article was not antiseptic in the dilution recommended for the douche (feminine hygiene).

It was alleged in the libel that the article was misbranded in that the statements appearing on the carton, "Antiseptic * * * effective * * * for feminine hygiene," were false and misleading when applied to an article which was not antiseptic. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the carton and bottle labels and in the circular, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Promotes Nose and Throat Health * * * Strengthens Spongy, Bleeding Gums * * * Sores * * * Prophylactic;" (bottle) "Bleeding gums * * * Sore Throat.—Gargle with Vernas full strength several times daily. (Make this a habit during winter and spring months as a preventative.) * * * prophylactic;" (circular) "Imbedded germ colonies can not escape the New Vernas. It goes deep down to destroy these disease breeding spots, which are constantly forming. * * * Stimulates your enzymes—tones your tissues * * * To fight Sore Throat * * * For Sore Throat. Sore throat is a danger signal that should never be neglected. A sore throat may be caused by a highly contagious disease like diphtheria * * * The New Vernas should be used as a gargle, * * * For Bleeding Gums, and Mouth Infections."

On May 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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¹ Contains instructions to the jury.

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U. S. Department of Agriculture

Issued May, 1932

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18551-18650

[Approved by the Secretary of Agriculture, Washington, D. C., April 15, 1932]

18551. Adulteration of canned pumpkin. U. S. v. 14 Cases of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26229. I. S. No. 20441. S. No. 4554.)

Samples of canned pumpkin from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 cases of canned pumpkin, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Penns' Manor Canning Co., Bristol, Pa., on or about November 9, 1930, and had been transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Penns' Manor Brand * * * Pumpkin Packed by Penns' Manor Canning Co. Bristol, Pa."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18552. Adulteration and misbranding of canned grapefruit juice and canned orange juice. U. S. v. 369 Cases of Canned Grapefruit Juice, et al. Consent decrees of condemnation. Products released under bond. (F. & D. Nos. 26230, 26239. I. S. Nos. 11118, 11119, 11120. S. Nos. 4548, 4555.)

Examination of samples of canned grapefruit juice and canned orange juice from the shipments herein described having shown that the articles contained added sugar, also that the cans contained less than the volume declared on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On April 13 and April 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 369 cases of canned grapefruit juice and 74 cases of canned orange juice, remaining in the original unbroken packages at Portland, Oreg., alleging that the articles had been shipped by the Orlando Canning Co. (Inc.), from Jacksonville, Fla., on or about February 8, 1931, and had been transported from the State of Florida into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended.

The grapefruit juice was labeled in part: (Can) "Heart of Florida Brand Fancy Florida Grapefruit Juice. Contents 20 Fluid Oz. or 567 Grams [or "Contents 11 Fluid Oz. or 312 Grams"] Packed by Orlando Canning Co., Inc.,

Orlando, Fla." The orange juice was labeled in part: (Can) "Heart of Florida Brand Pure Florida Orange Juice Contents 11 Fl. Oz. [or "Contents 10½ Fl. Oz.]" * * * Packed by Orlando Canning Co., Inc., Orlando, Fla."

It was alleged in the labels that the articles were adulterated in that grapefruit juice with added sugar, or orange juice with added sugar, as the case might be, had been substituted for the said articles.

Misbranding was alleged for the reason that the statements on the labels, to wit, "Grapefruit Juice, * * * Contents 20 Fl. Oz." or "Grapefruit Juice, * * * Contents 11 Fl. Oz.," with respect to the said grapefruit juice, and the statements, "Pure * * * Orange Juice Contents 11 Oz." or "Pure

* * * Orange Juice Contents 10½ Fl. Oz.," with respect to the orange juice, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles; and for the further reason that they were food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantities stated on the labels were incorrect.

On April 18 and April 24, 1931, the Orlando Canning Co. (Inc.), Orlando, Fla., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of good and sufficient bonds, conditioned in part that they be relabeled so as to comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18553. Adulteration of butter. U. S. v. 56 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26425. I. S. No. 11498. S. No. 4447.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On March 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 56 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Klamath Falls Creamery, Klamath Falls, Oreg., alleging that the article had been shipped from Klamath Falls, Oreg., on or about March 2, 1931, and had been transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Wrapper) "Crater Lake Butter Oregon Creamery Butter Manufactured by Klamath Falls Creamery, Klamath Falls, Oregon."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

On May 25, 1931, the Klamath Falls Creamery, Klamath Falls, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be made to conform to the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18554. Adulteration and misbranding of frozen eggs. U. S. v. 434 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond. (F. & D. No. 26222. I. S. No. 28341. S. No. 4540.)

Examination of samples of canned frozen eggs from the shipment herein described having shown that the article contained added undeclared sugar, and that the label failed to declare the quantity of the contents of the cans, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On April 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 434 cans of frozen eggs, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the McDougall Terminal Warehouse

Co., Duluth, Minn., alleging that the article had been shipped from Duluth, Minn., on or about November 26, 1930, and had been transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Odell Yolks Fine Northern Eggs St. Paul."

It was alleged in the libel that the article was adulterated in that frozen eggs containing added sugar had been substituted for the said article.

Misbranding was alleged for the reason that the statements on the label, "Yolks" and "Eggs," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 1, 1931, Jay G. Odell, Buffalo, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$14,000, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18555. Adulteration and misbranding of frozen eggs. U. S. v. 49 Cans of Frozen Eggs. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 26223. I. S. No. 28340. S. No. 4541.)

Examination of samples of frozen eggs from the shipment herein described having shown that the article contained added undeclared sugar, and that the cans failed to bear a statement of the quantity of the contents, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On April 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 49 cans of frozen eggs, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Mound City Ice Cold Storage Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about June 28, 1930, and had been transported from the State of Missouri into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Odell Fine Frozen Eggs Yolks St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that frozen eggs containing added sugar had been substituted for the said article.

Misbranding was alleged for the reason that the statements on the label, "Yolks" and "Eggs," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 1, 1931, Jay G. Odell, Buffalo, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18556. Adulteration and misbranding of canned grapefruit juice. U. S. v. 98½ Cases, et al., of Grapefruit Juice. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26190. I. S. Nos. 28714, 28715, 28716, 28717. S. No. 4503.)

Samples of canned grapefruit juice from the shipments herein described having been found to contain added undeclared sugar, and portions thereof having been found to be short of the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On April 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 98½ cases and 35½ cases, each containing 4 dozen cans, 127 cases, each

containing 2 dozen cans, and 47 cases, each containing 1 dozen cans of grapefruit juice, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped from Jacksonville, Fla., by Roberts Bros. (Inc.), in part on or about February 5, 1931, and in part on or about February 26, 1931, and had been transported from the State of Florida into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended.

The article was labeled in part: (Cans) "Roberts Big R. Brand * * * Juice * * * Florida Grapefruit [or "Roberts Big R. Brand, Florida Grapefruit Juice"] * * * Packed by Roberts Bros. Inc., Winter Haven, Fla. Main Office, Baltimore, Md. U. S. A." The cans in three of the four lots bore statements of the quantity of the contents as follows: "Contents 8 oz.," "Contents 10½ Oz.," or "Contents 1 Pt. 2 Fl. Oz." The cans in the fourth lot bore the statement, "1 Pt. 2 Fl. Oz." over stamped with "3 Pt. 8 Fl. Oz."

It was alleged in the libel that the article was adulterated in that sugar had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the statements on the can labels, "Juice * * * Grapefruit," or "Grapefruit Juice," were false and misleading and deceived and misled the purchaser when applied to grapefruit juice containing added sugar. Misbranding was alleged with respect to portions of the article for the further reason that the statements on the can labels, "Contents 3 Pt. 8 Fl. Oz.," "Contents 8 oz.," or "Contents 10½ Oz.," as the case might be, were false and misleading and deceived and misled the purchaser when applied to an article containing less amounts. Misbranding was alleged with respect to the said portions for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were not correct.

On April 21, 1931, Roberts Bros. (Inc.), Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of until relabeled to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18557. Adulteration of canned prunes. U. S. v. 298 Cases of Canned Prunes. Default decree of condemnation and destruction. (F. & D. No. 25976. I. S. No. 24019. S. No. 4247.)

Samples of canned prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On March 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 298 cases of canned prunes, remaining in the original unbroken packages at Goodland, Kans., alleging that the article had been shipped by Hunt Bros. Packing Co., from Salem, Oreg., on or about October 21, 1930, and had been transported from the State of Oregon into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Premio Italian Prunes. Distributors B. E. Bridges Co. Goodland, Kansas;" (can) "Premio Brand Italian Prunes. Packed by Hunt Bros. Packing Co. San Francisco, Calif. * * * California Oregon Fruit Distributors. B. E. Bridges Co., Goodland, Kansas."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 13, 1931, no claimant having appeared for the property, a decree was entered by the court, which was amended on June 22, 1931. The decree as amended adjudged the product adulterated and ordered that it be condemned and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18558. Misbranding of butter. U. S. v. 10 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26403. I. S. No. 15521. S. No. 4085.)

Sample cartons of butter from the shipment herein described having been found to contain less than 1 pound, the weight declared on the label, the

Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On January 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 cases of butter, remaining unsold at Paterson, N. J., alleging that the article had been transported in interstate commerce from the premises of the C. & P. Butter Printing Co., of New York, to the premises of M. Klahr & Co., Paterson, N. J., on or about January 13, 1931, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "One Pound Net Weight Valley Farm Print Butter, M. Klahr & Co., Distributors, Paterson, New Jersey."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net Weight," was false and misleading and deceived and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement, "One Pound Net Weight," was incorrect.

On January 27, 1931, the owner of the product having requested that a decree of condemnation be entered, and the defaults of all persons having been noted, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18559. Adulteration and misbranding of butter. U. S. v. 5 Cases, et al., of Butter. Default decree of forfeiture. Product distributed to charitable institutions. (F. & D. No. 25265. I. S. Nos. 6344, 6345. S. No. 3384.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Alabama.

On or about August 11, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 cases of butter, remaining in the original packages at Mobile, Ala., alleging that the article had been shipped by the Morning Glory Creameries, from Nashville, Tenn., on or about July 29, 1930, and had been transported from the State of Tennessee into the State of Alabama, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Morning Glory Butter, Morning Glory Creameries Houston, Memphis, New Orleans, Nashville." The remainder of the said article was labeled in part: "Sweet Clover Butter * * * Manufactured by Morning Glory Creameries."

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be; and for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of May (March) 4, 1923.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On November 12, 1930, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be delivered to charitable institutions.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18560. Adulteration of canned prunes. U. S. v. 13 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26244. I. S. No. 27893. S. No. 4566.)

Samples of canned prunes from the shipment herein described having been found to be moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On April 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 cases of canned prunes, remaining in the original unbroken packages at Chester, Pa., consigned by Paulus Bros. Packing Co., Salem, Oreg., alleging that the article had been shipped from Salem, Oreg., on or about January 24, 1931, and had been transported from the State of Oregon into the State of Pennsylvania, and charging adulteration in violation of the food

and drugs act. The article was labeled in part: "Red Tag Choice Fresh Oregon Prunes * * * Paulus Bros. Packing Co., Salem, Oregon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18561. Adulteration of apples. U. S. v. 160 Barrels of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25286. I. S. Nos. 9535, 9536. S. No. 3555.)

Arsenic having been found on samples of apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On October 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 160 barrels of apples, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by George E. Petley, from Winchester, Va., on or about October 22, 1930, and had been transported from the State of Virginia into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Packed by George E. Petley, Winchester, Va. Wray Goodwin & Keyt, Lynchburg, Va., shippers."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, namely, arsenic, which might have rendered it injurious to health.

On November 3, 1930, H. W. Farrel, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be treated by wiping, washing, or otherwise, so as to remove the arsenic.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18562. Adulteration of canned pimientos. U. S. v. 9½ Cases of Pimientos. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25351. I. S. No. 4361. S. No. 3616.)

Samples of canned pimientos from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Virginia.

On or about November 25, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine and one-half cases of pimientos, remaining in the original unbroken packages at Lexington, Va., alleging that the article had been shipped by Von Bremen-Asche-DeBruyn (Inc.), from Vienna, Ga., on or about September 29, 1930, and had been transported from the State of Georgia into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Plee-Zing Pimientos Packed for George W. Simmons Corporation, St. Louis By Von Bremen-Asche-DeBruyn, Inc., Distributors."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 2, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18563. Adulteration and misbranding of frozen egg yolks. U. S. v. 332 Cans of Frozen Egg Yolks. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 26289. I. S. No. 28342. S. No. 4596.)

Samples of frozen egg yolks from the shipment herein described having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On April 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and con-

demnation of 332 cans of frozen egg yolks, remaining in the original unbroken packages at Rochester, N. Y., consigned by Sherman White & Co., Fort Wayne, Ind., alleging that the article had been shipped from Fort Wayne, Ind., on or about April 25, 1930, and had been transported from the State of Indiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Packed at Fort Wayne, Ind. Keith's Eggs Ovisco 10 Lbs."

It was alleged in the libel that the article was adulterated in that sugar had been substituted in part for the said article.

Misbranding was alleged for the reason that the designation "Eggs" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On May 6, 1931, H. J. Keith Co. (Inc.), Rochester, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant to be relabeled under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$3,700, conditioned that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18564. Adulteration and misbranding of frozen egg yolks. U. S. v. 153 Cans of Frozen Egg Yolks. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26276. I. S. No. 24479. S. No. 4611.)

Samples of frozen egg yolks from the shipment herein described having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about April 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 153 cans of frozen egg yolks at Chicago, Ill., alleging that the article had been shipped by the Land O'Lakes Creameries (Inc.), from Minnesota Transfer, Minn., September 27, 1930, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Land O'Lakes Frozen Egg Yolks."

It was alleged in the libel that the article was adulterated in that a substance, sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted partly for the said article.

Misbranding was alleged for the reason that the statements on the label, "Egg Yolks," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 28, 1931, the Land O'Lakes Creameries (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be properly labeled, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18565. Adulteration of dried cherries. U. S. v. 137 Boxes of Dried Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26264. I. S. No. 22021. S. No. 4502.)

Samples of dried cherries from the shipment herein described having been found to be moldy, insect contaminated, and dirty, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On April 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 137 boxes of dried cherries, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Otzen Packing Co., for the account of F. M. Burnham & Co., from San Francisco, Calif., on or about March 14, 1931, and had been transported from the State of California into the State of Maryland, and charging adulteration in viola-

tion of the food and drugs act. The article was labeled in part: "H. H. Roy, Baltimore, * * * California Dried Cherries."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18566. Adulteration of frozen whole eggs. U. S. v. 400 Cans of Frozen Eggs. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 26245. I. S. No. 28343. S. No. 4567.)

Samples of frozen whole eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On April 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 cans of frozen whole eggs, remaining in the original unbroken packages at Rochester, N. Y., consigned by the Fairmont Creamery Co., alleging that the article had been shipped from Crete, Nebr., on or about March 14, 1931, and had been transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fancy Fairmont's Frozen Fresh Eggs. * * * Packed by The Fairmont Creamery Co., * * * Omaha, Nebr. Whole Eggs."

It was alleged in the libel that the article was adulterated in that it consisted partly of a decomposed animal substance.

The Fairmont Creamery Co., Omaha, Nebr., filed its claim and answer admitting that a portion of the article was adulterated, but averring that the product could be sorted and the portion fit for food determined, and that the remainder could be used in the leather and tanning industries. On April 20, 1931, judgment of condemnation was entered and it was ordered by the court that the product be delivered to the claimant, to be examined and sorted under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18567. Adulteration of canned frozen whole eggs. U. S. v. 91 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26250. I. S. No. 24478. S. No. 4581.)

Samples of canned frozen whole eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about April 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 91 cans of frozen whole eggs at Chicago, Ill., alleging that the article had been shipped by Swift & Co., from Nashville, Tenn., February 27, 1931, and had been transported from the State of Tennessee into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed animal substance.

On May 29, 1931, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for inspection and sorting under the supervision of this department, upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18568. Adulteration of poultry. U. S. v. 1 Barrel of Poultry. Default decree of condemnation and destruction. (F. & D. No. 26225. I. S. No. 20273. S. No. 4542.)

Samples of poultry from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Connecticut.

On April 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1 barrel of poultry, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the Seymour Packing Co., from Topeka, Kans., on or about October 2, 1930, and had been transported from the State of Kansas into the State of Connecticut, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance, and in that it consisted in whole or in part of a portion of an animal unfit for food.

On May 7, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18569. Misbranding of bone meal. U. S. v. 365 Bags of Bone Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26438. I. S. No. 18321. S. No. 4373.)

Examination of bone meal in the interstate shipment herein described having shown that the sacks containing the article bore no declaration of the quantity of contents, the matter was reported to the United States attorney by an officer of the State of Kansas, commissioned by the Secretary of Agriculture.

On or about February 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 365 bags of bone meal, remaining in the original unbroken packages at Junction City, Kans., alleging that the article had been shipped on or about January 15, 1931, by the Thompson Hayward Chemical Co., of Kansas City, Mo., from New Orleans, La., and had been transported from the State of Louisiana into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in substance in the libel that the article was misbranded in that the sacks containing the article bore no brand, mark, or label of any kind showing the net weight of the product, or of its composition or food value. It was further alleged in the libel that the article was misbranded in that the certificate of weights and the invoice purported to show a total gross weight greater than the actual gross weight of the shipment.

On March 3, 1931, the Thompson-Hayward Chemical Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be labeled to show the correct net weight.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18570. Adulteration and misbranding of butter. U. S. v. 9 Tubs of Butter. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution. (F. & D. No. 26434. I. S. No. 30132. S. No. 4628.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Creamery Co., Wallingford, Iowa, on or about April 11, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article; and for the further reason that it was labeled butter, which was false and misleading and deceived and mislead the purchaser, since it contained less than 80 per cent

of milk fat. (This department has no record that the article was labeled butter, and made no recommendation as to misbranding.)

On May 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that such portions of the product as were passed by a representative of this department as fit for human consumption be delivered to a charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18571. Adulteration of butter. U. S. v. 6 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 26435. I. S. No. 30094. S. No. 4584.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Elevator Co., Wallingford, Iowa, March 4, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

On May 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portions of the product passed by a representative of this department as fit for human consumption be delivered to a charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18572. Adulteration of canned prunes. U. S. v. 98 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26238. I. S. No. 27976. S. No. 4568.)

Samples of canned prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On April 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 98 cases of canned prunes, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Paulus Bros. Packing Co., Portland, Oreg., alleging that the article had been shipped from Portland, Oreg., on or about January 24, 1931, and had been transported from the State of Oregon into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Arks Run Brand Fresh Prunes Packed Exclusively for United Wholesale Grocery Co., Inc., Phila., Pa."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18573. Adulteration of barley mixed oats, and adulteration and misbranding of mixed feed oats. U. S. v. 300 Sacks of Barley Mixed Oats, et al. Products ordered released under bonds. (F. & D. Nos. 26282, 26283, 26285, 26286. I. S. Nos. 26526, 26529, 26543, 26548. S. No. 4622.)

Samples of barley mixed oats from the shipments herein described were found to contain added water. Samples of the mixed feed oats were found to contain grains other than mixed feed oats, also added water.

On April 25, 1931, the United States attorney for the Northern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 663 sacks of barley mixed oats and 200 sacks of mixed feed oats, remaining in the original unbroken packages in various

lots at Whitney, Sumner, Evansville, and Lambert, Miss., alleging that the articles had been shipped by Embrey E. Anderson, Memphis, Tenn., in part on or about April 10, 1931, and in part on or about April 11, 1931, and had been transported from the State of Tennessee into the State of Mississippi, and charging adulteration with respect to the former and adulteration and misbranding with respect to the latter, in violation of the food and drugs act. The articles were labeled in part, respectively, "Barley Mixed Oats" and "Daisy Re-cleaned Mixed Feed Oats."

Adulteration of the barley mixed oats was alleged for the reason that added water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality. Adulteration of the mixed feed oats was alleged for the reason that a substance consisting of grains other than mixed feed oats, containing added water, had been mixed and packed with the articles, so as to reduce, lower, and injuriously affect its quality and had been substituted in part for pure mixed feed oats.

Misbranding of the said mixed feed oats was alleged for the reason that the article was offered for sale under the distinctive name of another article and for the further reason that the statement on the label, "Mixed Feed Oats," was false and misleading and deceived and misled the purchaser.

On May 2, 1931, Embrey E. Anderson, Memphis, Tenn., having appeared as claimant for the property, judgments were entered ordering that the products be released to the said claimant upon the execution of bonds totaling \$1,400, conditioned in part that they should not be sold or otherwise disposed of contrary to the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18574. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 26436. I. S. No. 30092. S. No. 4582.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Gilt Edge Creamery Co., Plainfield, Iowa, March 26, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article; and for the further reason that it was labeled butter, which was false and misleading and deceived and misled the purchaser, since it contained less than 80 per cent of milk fat.

On May 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that such portions of the product as were passed by a representative of this department as fit for human consumption be delivered to a charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18575. Adulteration and misbranding of tomato catsup. U. S. v. 22 Cases of Tomato Catsup. No claim entered. Verdict for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 26228. I. S. No. 27206. S. No. 4549.)

Examination of samples of tomato catsup from the shipment herein described having shown that the article was partially decomposed and artificially colored, and that the declaration of added color appearing on the label was inconspicuous, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Louisiana.

On April 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation

of 22 cases of tomato catsup at De Ridder, La., alleging that the article had been shipped by the Ozark Mountain Canning Co., from Bentonville, Ark., on or about November 18, 1930, and had been transported from the State of Arkansas into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Mid-Mountain Brand Tomato Catsup * * * Coloring added Mid-mountain Fruit Co., Bentonville, Ark."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

It was further alleged in the libel that the article was misbranded in that the statement on the label, "Tomato Catsup," was false and misleading, and deceived and misled the purchaser; and for the reason that it was applied to artificially colored tomato catsup, on the label of which the declaration of added color was inconspicuous.

On May 18, 1931, no claimant having appeared for the property, and a jury having found that the allegations of the libel were true and correct, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18576. Adulteration and misbranding of beef scrap and bone, feeding bone meal, and blood feeding tankage. U. S. v. Independent Manufacturing Co. Plea of nolo contendere. Fine, \$350. (F. & D. No. 25708. I. S. Nos. 011076, 012425, 027026, 028309.)

The products herein described consisted of feeds variously designated as beef scrap and bone, feeding bone meal, and blood feeding tankage. All were deficient in protein in that they contained less protein than declared on the labels, and the so-called blood feeding tankage contained undeclared vegetable matter.

On March 27, 1931, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Independent Manufacturing Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about February 3, 1930, from the State of Pennsylvania into the State of New Jersey, of a quantity of blood feeding tankage; on or about March 3, 1930, from the State of Pennsylvania into the State of Maryland, of quantities of beef scrap and bone; and on or about April 18, 1930, from the State of Pennsylvania into the State of New York, of a quantity of feeding bone meal, which products were adulterated and misbranded. The articles were labeled in part, variously: (Tags) "From Independent Manufacturing Co. * * * Philadelphia, Pa. * * * Independent's 50% Beef Scrap & Bone. Protein 50% [or "Protein 55%"];" "Independent's Sterilized Steamed Feeding Bone Meal. Analysis Protein 12.00%, made by Independent Mfg. Co., Philadelphia, Pa.;" "From Independent Manufacturing Co. * * * Independent's 60% Blood Feeding Tankage Protein 60% Min."

It was alleged in the information that the articles were adulterated for the following reasons: Products deficient in protein had been substituted for 50 per cent protein beef scrap and bone, and 55 per cent protein beef scrap and bone; a product containing less than 12 per cent of protein had been substituted for 12 per cent protein feeding bone meal; and a product deficient in protein and which contained undeclared vegetable matter had been substituted for 60 per cent blood feeding tankage.

Misbranding was alleged for the reason that the statements, "Protein 50%," and "Protein 55%," with respect to the so-called beef scrap and bone, the statement, "Analysis Protein 12.00%," with respect to the so-called feeding bone meal, and the statements, "60% Blood Feeding Tankage" and "Protein 60% Min.," with respect to the so-called blood feeding tankage, were false and misleading in that the said statements represented that the articles each contained the amount of protein declared on the label, and that the blood feeding tankage consisted wholly of 60 per cent blood feeding tankage; and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained the said declared amounts of protein and that the blood feeding tankage consisted wholly of 60 per cent blood feeding tankage; whereas they contained less protein than declared on the labels, and the so-called blood feeding tankage consisted in part of an undeclared vegetable substance.

On June 24, 1931, a plea of *nolo contendere* to the information was entered on behalf of the defendant company, and the court imposed a fine of \$350.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18577. Misbranding of butter. U. S. v. P. E. Sharpless Co. Plea of *nolo contendere*. Fine, \$200. (F. & D. No. 25697. I. S. Nos. 028155, 030281, 030282, 030283, 030285, 030286, 030287, 030288, 030289, 030290.)

Samples of butter from the shipments herein described having been found to be short of the declared weights, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the P. E. Sharpless Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments on or about February 3, February 6, June 9, and June 12, 1930, from the State of Pennsylvania into the State of New Jersey, of quantities of butter which was misbranded. The article was labeled in part, variously: (Packages) "Sharpless Dairy Products * * * One Pound Net;" "P. E. Sharpless Co. Philadelphia, Pa. * * * Butter 1 Pound Net;" "Sharpless Butter Country Roll 8 Oz. Net. P. E. Sharpless Company, Philadelphia;" "Meadow Farms Butter * * * One Pound Net;" or "P. E. Sharpless Co. Pure Butter 8 Ounces Net."

It was alleged in the information that the article was misbranded in that the statements, "One Pound Net," "8 Oz. Net," or "8 Ounces Net," borne on the labels of the packages, were false and misleading in that the said statements represented that the packages each contained 1 pound net or 8 ounces net, as the case might be, of butter; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 1 pound net, or 8 ounces net, as the case might be, of butter; whereas the packages contained less than so represented. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than declared on the labels.

On June 22, 1931, a plea of *nolo contendere* to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18578. Adulteration of pitted cherries. U. S. v. 43 Cases, More or Less, of Pitted Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26039. I. S. No. 16141. S. No. 4335.)

Samples of pitted cherries from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On March 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 cases of pitted cherries, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Paulus Bros. Packing Co., Salem, Oreg., on or about January 5, 1931, and had been transported from the State of Oregon into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "White Tag Pitted Royal Anne Cherries, * * * Paulus Bros. Packing Co., Salem, Oregon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On July 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18579. Adulteration of canned prunes. U. S. v. 83 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25779. I. S. No. 11489. S. No. 4006.)

Samples of canned prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On January 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 83 cases of canned prunes, remaining in the original unbroken packages at Hayward, Calif., alleging that the article had been shipped by Hunt Bros. Packing Co., Salem, Oreg., on or about January 5, 1931, and had been transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Forest Brand Italian Prunes * * * Hunt Bros. Packing Co., * * * Main Office San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On June 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18580. Adulteration and misbranding of butter. U. S. v. 30 Boxes of Butter. Product ordered released under bond to be reworked. (F. & D. No. 24995. I. S. No. 036857. S. No. 3299.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On June 4, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 boxes, each containing 32 pounds of butter, remaining in the original unbroken packages at South St. Paul, Minn., alleging that the article had been shipped by the Lidgerwood Creamery Co., from Lidgerwood, N. Dak., May 29, 1930, and had been transported from the State of North Dakota into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Brookfield Pasteurized Creamery Butter * * * Distributed by Swift & Company."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 3, 1930, Swift & Co., South St. Paul, Minn., having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered finding the allegations of the libel to be true and ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18581. Adulteration and misbranding of butter. U. S. v. 25 Boxes of Butter. Product released under bond to be reworked. (F. & D. No. 24994. I. S. No. 036873. S. No. 3241.)

Examination of butter from the shipment herein described having shown that the samples contained less than 80 per cent of milk fat, the standard provided by Congress, and that the quantity of the contents was not declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On June 21, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 boxes, each containing 30 pounds of butter, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Prime Cheese Co., from Stanley, Wis., June 12, 1930, and had been transported from the State of Minnesota into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 7, 1930, the Prime Cheese Co., Stanley, Wis., having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered finding the allegations of the libel to be true and ordering that the product be delivered to a creamery company designated by the claimant, upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18582. Adulteration and misbranding of ground mill oats. U. S. v. 200 Sacks of Oats. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 25765. I. S. No. 14534. S. No. 3999.)

Samples of ground mill oats from the shipment herein described having been found to consist essentially of oat mill feed, with a large amount of fibrous hull material and a very small amount of starch present therein, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of South Carolina.

On January 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 sacks of oats (ground mill oats) at Newberry, S. C., alleging that the article had been shipped by the Charleston Milling & Produce Co., from Charleston, W. Va., on or about October 9, 1929, and had been transported from the State of West Virginia into the State of South Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was invoiced as "Ground Mill Oats."

It was alleged in the libel that the article was adulterated in that a substance, oat mill feed, had been mixed and packed with and substituted in whole or in part for ground mill oats, which the said article was represented to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On June 1, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal as "Oat Mill Feed, Protein 4.65 per cent, crude fiber 29 per cent," and if such sale be found impracticable that it be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18583. Adulteration of canned frozen eggs. U. S. v. 15 Cans of Frozen Eggs. Decree of condemnation entered. Product released under bond. (F. & D. No. 25977. I. S. No. 15108. S. No. 4255.)

Samples of canned frozen eggs from the shipment herein described having been found to be putrid, sour, or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On March 3, 1931, the United States attorney filed in the District Court of the United States for the District aforesaid a libel praying seizure and condemnation of 15 cans of frozen eggs, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Morning Glory Creamery, Houston, Tex., on or about June 9, 1930, and had been transported from the State of Texas into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Keith's Eggs * * * Kaoka Whole Eggs with about 1% cane sugar, $\frac{1}{2}$ of 1% salt. H. J. Keith Co., Boston, New York, Chicago."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On June 10, 1931, H. J. Keith & Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant for the purpose of separating the good from the bad, upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that it should not be sold or disposed of until inspected by a representative of this department, and it was further ordered that the unfit portion be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18584. Adulteration of canned prunes. U. S. v. 380 Cases of Canned Prunes. Consent decree of condemnation and destruction. (F. & D. No. 25969. I. S. No. 19588. S. No. 4215.)

Samples of canned prunes from the shipment herein described having been found to be partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of South Dakota.

On March 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 380 cases of canned prunes at Aberdeen, S. Dak., alleging that the article had been shipped by Hunt Bros. Packing Co., Salem, Oreg., on or about November 12, 1930, and had been transported from the State of Oregon into the State of South Dakota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Feather River Italian Prunes Packed by Hunt Brothers Packing Company, San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 20, 1931, the shipper and consignee of the product having appeared and consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18585. Misbranding of butter. U. S. v. Sego Milk Products Co. Plea of guilty. Fine, \$10. (F. & D. No. 25728. I. S. No. 018571.)

Samples of butter from the shipment herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Idaho.

On May 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Sego Milk Products Co., a corporation, trading at Preston, Idaho, alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 16, 1930, from the State of Idaho into the State of Utah, of a quantity of butter which was misbranded. The article was labeled in part: "1 Pound * * * Net Weight."

It was alleged in the information that the article was misbranded in that the statement "1 Pound Net Weight," borne on the package containing the said article, was false and misleading in that the said statement represented that the packages each contained 1 pound of butter; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages each contained 1 pound of butter; whereas they did not, but did contain less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than represented.

On June 24, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18586. Adulteration of walnut meats. U. S. v. Southern California Supply Co. Plea of guilty. Fine, \$225. (F. & D. No. 25721. I. S. Nos. 06225, 022600, 022632.)

Samples of walnut meats from the shipments herein described having been found to be wormy and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On May 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Southern California Supply Co., a corporation, Los Angeles, Calif., alleging shipment by said company, in violation of the food and drugs act, on or about December 3, 1929, from the State of California into the State of Utah; and on or about February 7 and February 18, 1930, from the State of California into the State of Colorado, of quantities of walnut meats which were adulterated. The article was labeled in part: "Invincible Shelled California Walnuts * * * The Southern California Supply Co., Inc., * * * Los Angeles, California."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed vegetable substance.

On June 15, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$225.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18587. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Product released under bond to be reworked. (F. & D. No. 24996. I. S. No. 036861. S. No. 3230.)

Examination of butter from the shipment herein described having shown that the samples contained less than 80 per cent of milk fat, the standard provided by Congress, and that the quantity of the contents was not declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On June 19, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 tubs of butter, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Mayville Creamery Co., from Mayville, N. Dak., June 6, 1930, and had been transported from the State of North Dakota into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tubs) "Nein Creamery Co., Minneapolis, Minn. From Mayville Creamery, Mayville, N. Dak."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 3, 1930, the Nein Creamery Co., Minneapolis, Minn., having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered finding the allegations of the libel to be true and ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18588. Adulteration and misbranding of canned apple butter. U. S. v. 11 Cases of Canned Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26093. I. S. No. 21768. S. No. 4410.)

Samples of canned apple butter from the shipment herein described having been found to contain lead and arsenic and to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Mexico.

On March 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 cases of canned apple butter at Las Vegas, N. Mex., alleging that the article had been shipped by the Currie Canning Co., from Grand Junction, Colo., on or about January 2, 1931, and had been transported from the State of Colorado into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Colorado Columbine Brand Apple Butter Weight of Contents One Pound Seven Ounces. An abundance of sunshine, pure radium charged air and cool nights give this apple butter its splendid color and flavor."

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, namely, lead and arsenic, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the following statements appearing on the label, regarding the said article and the ingredients therein, "Pure radium charged air * * * give this apple butter its splendid color and flavor * * * Weight of Contents One Pound Seven Ounces," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantity stated was not correct.

On June 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18589. Adulteration of frozen eggs. U. S. v. 546 Cans of Frozen Eggs. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 26934. I. S. Nos. 36942, 36943. S. No. 5145.)

Samples of frozen eggs from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On September 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 546 cans of frozen eggs, remaining in the original packages at Houston, Tex., alleging that the article had been shipped by the Tranin Egg Products Co., from Kansas City, Mo., in part on or about June 9, 1931, and in part on or about August 15, 1931, and had been transported from the State of Missouri into the State of Texas, and charging adulteration in violation of the food and drugs act, The article was labeled in part: "Tranin's Pure Frozen Eggs. Mixed Eggs. Sam Tranin Produce Co., * * * Kansas City, Mo."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid food substance.

On September 29, 1931, the Tranin Egg Products Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$3,000, conditioned in part that it should not be sold or offered for sale in violation of the Federal food and drugs act, or the laws of any State or Territory, and it was further ordered by the court that the claimant pay all costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18590. Adulteration and misbranding of tomato catsup. U. S. v. 5½ Cartons of Tomato Catsup. Default decree of destruction entered. (F. & D. No. 26158. I. S. No. 27758. S. No. 4458.)

Samples of tomato catsup from the shipment herein described having been found to contain an undeclared thickener, a gum of some sort, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Georgia.

On April 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five and one-half cartons of tomato catsup, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by Alex. Cairns & Sons (Ltd.) from Baltimore, Md., on or about January 21, 1931, and had been transported from the State of Maryland into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Tomato Catsup * * * Alex. Cairns & Sons, Ltd., Paisley, New York, London."

It was alleged in the libel that the article was adulterated in that tomato catsup containing added gum had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Tomato Catsup," was false and misleading and deceived and misled the purchaser when applied to an article, tomato catsup, containing added gum. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 20, 1931, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18591. Adulteration and misbranding of Jack Sprat brand gelatin dessert powder. U. S. v. 14½ Dozen Packages, et al., of Jack Sprat Brand Gelatin Dessert Powder. Default decrees of destruction entered. (F. & D. Nos. 26269, 26342. I. S. Nos. 24923, 24996. S. Nos. 4587, 4629.)

Examination of the dessert powder from the shipments herein described having shown that the article was an imitation grape-flavored gelatin dessert powder and that it was represented to be a fruit-flavored product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On May 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemna-

tion of 23 dozen packages of the said Jack Sprat brand gelatin dessert powder, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Western Grocer Mills, from Marshalltown, Iowa, in part on or about March 12, 1931, and in part on or about March 17, 1931, and had been transported from the State of Iowa into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Jack Sprat Brand Gelatin Dessert Powder * * * Composed of pure gelatin, sugar, pure fruit flavor, fruit acid from grapes and vegetable color. Grape Flavor * * * Packed by Western Grocer Mills, Marshalltown, Iowa."

Adulteration of the article was alleged in the libel filed with respect to a portion of the article for the reason that an artificially colored imitation grape-flavored product had been substituted for a pure fruit grape-flavored product, which the article purported to be. Adulteration was alleged with respect to the remainder of the article for the reason that a gelatin dessert powder containing imitation grape flavor had been substituted for pure fruit-flavored, to wit, grape-flavored, gelatin dessert powder, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Grape Flavor" and "Pure Fruit Flavor," were false and misleading and deceived and misled the purchaser.

On June 22, 1931, no claimant having appeared for the property, judgments were entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18592. Misbranding of tomato catsup. U. S. v. 534 Bottles of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25667. I. S. No. 19665. S. No. 3932.)

Samples of tomato catsup from the shipment herein described having been found to contain undeclared artificial color, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On January 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 534 bottles of tomato catsup at Corpus Christi, Tex., alleging that the article had been shipped by Baumer's Food Product Co., from New Orleans, La., on or about November 8, 1930, and had been transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Crystal Tomato Ketchup * * * Baumer's Food Product Co., New Orleans, La."

It was alleged in the libel that the article was misbranded, which misbranding was false and misleading.

On June 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18593. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26743. I. S. No. 30143. S. No. 4704.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Harding Creamery Co., Des Moines, Iowa, April 15, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Hardings Quality Salt."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by act of Congress.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article; and for the further reason that it was labeled butter, which was false and misleading and deceived or misled the purchaser, since it contained less than 80 per cent of milk fat. (This department has no record that the article was labeled butter, and made no misbranding recommendation.)

On May 1, 1931, a claim having been interposed by Alex Grossmann & Co., as agent for the Harding Cream Co., Omaha, Nebr., and said claimant having admitted the allegations of the libel, consented to the entry of a decree and agreed to recondition the product so that it contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked so that it comply with the requirements of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18594. Adulteration of tomato pulp. U. S. v. 170 Cases of Tomato Pulp. Default decree of destruction. (F. & D. No. 26011. I. S. No. 27413. S. No. 4302.)

Samples of canned tomato pulp from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On March 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 170 cases of tomato pulp, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the G. S. Suppiger Co., Belleville, Ill., on or about August 21, 1930, and had been transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 30, 1931, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18595. Adulteration of canned prunes. U. S. v. 25 Cases, et al., of Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26081. I. S. Nos. 28056, 28059. S. No. 4390.)

Samples of canned prunes from the shipment herein described having been found to be excessively moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On March 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 cases each containing 24 cans, and 10 cases each containing 72 cans of prunes, remaining in the original unbroken packages at Sunbury, Pa., alleging that the article had been shipped by Paulus Bros. Packing Co., from Portland, Oreg., on or about January 24, 1931, and had been transported from the State of Oregon into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Black Label Brand * * * The Hooven Mercantile Co., Distributors New York Fresh Prunes." The remainder of the said article was labeled in part: "Black Label * * * The Hooven Mercantile Co., Distributors Pennsylvania Fresh Prunes."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance, to wit, moldy prunes.

On June 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18596. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26742. I. S. No. 30153. S. No. 4705.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Buffalo Center Creamery Co., Buffalo Center, Iowa, on or about April 15, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

On May 2, 1931, a claim having been interposed by Zenith-Godley Co. (Inc.), as agent for the Buffalo Center Cooperative Creamery, Buffalo Center, Iowa, and said claimant having admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$750, conditioned in part that it be reworked so that it comply with the requirements of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18597. Adulteration of butter. U. S. v. 24 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26744. I. S. No. 30147. S. No. 4703.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Greeley Cooperative Creamery Co., Greeley, Nebr., on or about April 15, 1931, and had been transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as provided by the act of Congress of March 4, 1923.

On May 1, 1931, the Greeley Cooperative Creamery, Greeley, Nebr., claimant, having admitted the allegations of the libel, consented to the entry of a decree, and having agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be reworked so that it comply with the requirements of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18598. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26759. I. S. No. 24714. S. No. 4710.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about May 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Alberta Cooperative Creamery Association, from Alberta, Minn., April 21, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to

reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat. (This department has no record that the article was labeled butter, and made no misbranding recommendation.)

On May 12, 1931, Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18599. Adulteration of canned salmon. U. S. v. 498 Cases of Canned Salmon. Portion of product condemned. Remainder released under bond to be salvaged. (F. & D. No. 25236. I. S. No. 5210. S. No. 3532.)

Samples of canned salmon from the shipment herein described having been found to be putrid, tainted, or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On or about October 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 498 cases of canned salmon, remaining in the original unbroken packages at Sunbury, Pa., alleging that the article had been shipped by the West Sales Co., from Seattle, Wash., on or about September 16, 1930, and had been transported from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Live Wire Brand Alaska Pink Salmon * * * Distributed by West Sales Co., Seattle, Wash."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance, namely, decomposed fish.

On March 13, 1931, the Weis Pure Food Stores, Sunbury, Pa., entered an appearance and filed its claim and answer. On May 5, 1931, a decree was entered ordering that the product be released to the claimant under bond, conditioned that it should not be disposed of contrary to the Federal food and drugs act, and that claimant pay costs; that the portion of the product identified by certain codes be condemned; that after the claimant had segregated the good salmon from the bad salmon, this department reexamine the portion segregated as good; that all portions determined by this department to be good be released unconditionally; and that, subject to the right of the claimant to have a detailed inspection made of each can and to salvage the same subject to the approval of this department, all of the salmon determined by this department to be bad should be disposed of in a manner in accordance with the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18600. Adulteration of canned salmon. U. S. v. 598 Cases of Salmon. Portion of product condemned. Remainder released under bond to be salvaged. (F. & D. No. 25249. I. S. No. 5208. S. No. 3546.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On or about October 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 598 cases of canned salmon, remaining in the original unbroken packages at Sunbury, Pa., alleging that the article had been shipped by the Sergeant Paup Co., from Seattle, Wash., on or about September 3, 1930, and had been transported from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Silver Sea Brand Pink Salmon * * * Packed for West Sales, Inc., Seattle, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance, to wit, tainted and stale fish.

On March 13, 1931, the Weis Pure Food Stores, Sunbury, Pa., entered an appearance and filed its claim and answer. On May 5, 1931, a decree was entered ordering that the product be released to the claimant under bond, conditioned that it should not be disposed of contrary to the Federal food and drugs act, and that claimant pay costs; that the portion of the product identified by certain codes be condemned; that after the claimant had segregated the good salmon from the bad salmon, this department reexamine the portion segregated as good; that all portions determined by this department to be good be released unconditionally; and that, subject to the right of the claimant to have a detailed inspection made of each can and to salvage the same subject to the approval of this department, all of the salmon determined by this department to be bad should be disposed of in a manner in accordance with the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18601. Adulteration of ice cream cones. U. S. v. 325 Cases of Ice Cream Cones. Default decree of forfeiture and destruction. (F. & D. No. 26336. I. S. Nos. 24997, 24998. S. No. 4660.)

Samples of ice cream cones from the shipment herein described having been found to contain saccharin, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Wisconsin.

On May 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 325 cases of ice cream cones at Eau Claire, Wis., alleging that the article had been shipped by the Northwest Cone Co., from Chicago, Ill., on or about March 3, 1931, and had been transported from the State of Illinois into the State of Wisconsin, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Rosebud Cones Rosebud Cup Cake Cones Northwest Cone Company, Chicago."

It was alleged in the libel that the article was adulterated in that a substance, to wit, saccharin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted partly for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous and deleterious ingredient, to wit, saccharin, which might have rendered it injurious to health.

On June 6, 1931, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18602. Misbranding of Buffalo corn gluten feed. U. S. v. 300 Bags of Heavy Sweetened Buffalo Corn Gluten Feed. Consent decree of condemnation. Product released to be labeled. (F. & D. No. 26756. I. S. No. 23804. S. No. 4793.)

Examination of the so-called heavy sweetened Buffalo corn gluten feed from the shipment herein described having shown that the bags bore no statement of the quantity of the contents, the matter was reported to the United States attorney for the District of Kansas by authority of the Secretary of Agriculture.

On or about May 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 bags of so-called heavy sweetened Buffalo corn gluten feed, remaining in the original unbroken packages at Atchison, Kans., alleging that the article had been shipped by the Corn Products Refining Co., New York, N. Y., from Kansas City, Mo., on or about January 30, 1931, and had been transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the bags bore no mark, brand, or label showing the net weight of the contents.

On May 26, 1931, the Blair Elevator Corporation, Atchison, Kans., claimant having agreed to label the product to show the net weight, as required by law, and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the said product be released to be properly labeled, and that claimant pay costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18603. Adulteration and misbranding of butter. U. S. v. 51 Boxes of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 26758. I. S. No. 28774. S. No. 4768.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On May 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 51 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned about May 14, 1931, alleging that the article had been shipped by the Hanford Produce Co., from Sioux City, Iowa, and had been transported from the State of Iowa into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cloverbloom Pasteurized Creamery Butter Distributed By Armour Creameries, * * * Chicago."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the package or label bore the statement "Butter," which was false and misleading and deceived and misled the purchaser.

On June 2, 1931, Armour & Co., Baltimore, Md., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that none of the said product be sold or disposed of until reworked and inspected and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18604. Misbranding of corn oil cake meal. U. S. v. 210 Bags of Corn Oil Cake Meal. Consent decree of condemnation. Product released to be labeled. (F. & D. No. 26754. I. S. No. 23802. S. No. 4715.)

Examination of the so-called corn oil cake meal from the shipment herein described having shown that the packages failed to bear a statement of the quantity of the contents, the matter was reported to the United States attorney for the District of Kansas by authority of the Secretary of Agriculture.

On or about April 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 210 bags of corn oil cake meal, remaining in the original unbroken packages at Topeka, Kans., alleging that the article had been shipped by the Corn Products Refining Co., New York, N. Y., from Kansas City, Mo., on or about February 19, 1931, and had been transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the bags bore no mark, brand, or label showing the net weight of the contents.

On May 18, 1931, the Forbes Bros., Central Mills Co., Topeka, Kans., claimant, having agreed to label the product to show the net weight as required by law, and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the said product be released to be properly labeled, and that claimant pay costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18605. Adulteration of salt mackerel. U. S. v. 425 Kegs of Salt Mackerel. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26237. I. S. No. 27627. S. No. 4562.)

Samples of salt mackerel from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Georgia.

On or about April 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 425 kegs of salt mackerel, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Davis Bros. Fisheries Co., from Gloucester, Mass., on or about November 13, 1930, and had been transported from the State of Massachusetts into the State of Georgia, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On June 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18606. Adulteration of butter. U. S. v. 5 Cubes of Butter. Product released under bond to be reconditioned. (F. & D. No. 26753. I. S. No. 11810. S. No. 4765.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On May 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Beaver Valley Creamery Co., Milford, Utah, on or about May 15, 1931, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted wholly or in part for butter.

On May 21, 1931, Joseph Thorup, Los Angeles, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the deposit of a cash bond in the sum of \$100, conditioned in part that it should not be disposed of in violation of the Federal food and drugs act, and that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18607. Adulteration of pears. U. S. v. 200 Boxes of Pears. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26275. I. S. No. 13160. S. No. 4610.)

Arsenic and lead having been found on the pears in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On April 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 boxes of pears, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the C. M. Holtzinger Fruit Co., from Yakima, Wash., on or about February 18, 1931, and had been transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous ingredients, namely, lead and arsenic, which might have rendered it harmful to health.

On June 3, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18608. Adulteration of dressed poultry. U. S. v. 3 Barrels of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26335. I. S. Nos. 30280, 30281. S. No. 4658.)

Samples of dressed poultry from the shipment herein described having been found to be decomposed and diseased, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On May 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3 barrels of dressed poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Land O'Lakes Creameries (Inc.), in part from Duluth, Minn., on or about April 21, 1931, and in part from Minneapolis, Minn., on or about April 22, 1931, and had been transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On June 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18609. Adulteration of celery. U. S. v. 180 Crates of Celery. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26518. I. S. No. 25209. S. No. 4829.)

Arsenic having been found on samples of celery from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about June 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 180 crates of celery at Chicago, Ill., alleging that the article had been shipped by the Randolph Marketing Co., from Fairport, Calif., June 6, 1931, and had been transported from the State of California into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Randolph Marketing Co., Los Angeles, Cal."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, to wit, arsenic, in an amount which might have rendered it injurious to health.

On June 25, 1931, the Randolph Marketing Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be rewashed under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18610. Adulteration of canned shrimp. U. S. v. 19½ Cases of Shrimp in Glass. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26319. I. S. No. 11846. S. No. 4619.)

Samples of canned shrimp from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On May 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19½ cases of canned shrimp, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Pelican Lake Oyster & Packing Co., Houma, La., on or about November 27, 1930, and had been transported from the State of Louisiana into the State of California, and charging adulteration in violation of the food and drugs act. The article was contained in glass jars labeled in part: "Iris Brand Fancy Ex. Large Shrimp * * * Haas Baruch & Co., Distributors Los Angeles, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On June 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18611. Adulteration and misbranding of lima beans. U. S. v. 62 Bags of Lima Beans. Product ordered released under bond to be relabeled. (F. & D. No. 26340. I. S. No. 16192. S. No. 4657.)

Examination of a product, labeled "Lima Beans," from the shipments herein described having shown that the article consisted of beans other than lima beans, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On May 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 62 bags of lima beans, remaining in the original unbroken packages

at Baltimore, Md., alleging that the article had been shipped by the E. W. Mills Co., from Philadelphia, Pa., in part on or about February 24, 1931, and in part on or about March 9, 1931, and had been transported from the State of Pennsylvania into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Tally-Ho Domestic Lima Beans."

It was alleged in the libel that the article was adulterated in that beans other than lima beans had been substituted wholly for lima beans, which the article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Domestic Lima Beans," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 5, 1931, Max Lazarus & Sons (Inc.), Baltimore, Md., having appeared as claimant for the property, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be relabeled "Butternut Beans."

ARTHUR M. HYDE, *Secretary of Agriculture.*

18612. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26746. I. S. No. 4640. S. No. 4755.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On May 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Eggers Creamery, Plain View, Minn., on or about May 19, 1931, and had been transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

Thomas G. Corcoran, agent for Hunter, Walton & Co., New York, N. Y., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On May 29, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18613. Adulteration of butter. U. S. v. 24 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26747. I. S. No. 4639. S. No. 4756.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On May 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the H. C. Christians Co., Chicago, Ill., on or about May 18, 1931, and had been transported from the State of Illinois into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

On May 27, 1931, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, and having agreed that the product be reconditioned so that it contain at least 80 per cent of milk fat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18614. Adulteration of frozen whole eggs. U. S. v. 1,200 Cans, et al., of Frozen Whole Eggs. Product ordered released under bond to be salvaged and relabeled. (F. & D. Nos. 26002, 26027. I. S. Nos. 20420, 20421, 20422, 20423, 20424. S. Nos. 4261, 4286, 4287, 4303, 4333.)

Samples of canned frozen eggs from the shipments herein described having been found to be decomposed and to contain added whites, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On March 9 and March 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6,400 cans of frozen whole eggs, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Kraft-Phenix Cheese Corporation, from Dallas, Tex., in various consignments, on or about February 4, February 5, and February 6, 1931, and had been transported from the State of Texas into the State of New Jersey and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "Kraft-Phenix Cheese Corporation * * * Dallas, Texas. Whole Eggs."

Adulteration was alleged in the libel filed with respect to a portion of the article for the reason that it consisted in part of a decomposed animal substance, and with respect to the remainder for the reason that it consisted in part of a decomposed and putrid animal substance.

On June 8, 1931, William W. Johnstone, claimant, having admitted the allegations of the libel and having consented to the entry of decrees condemning and forfeiting the product, judgments were entered ordering that the product be delivered to the said claimant upon payment of costs and the execution of bonds totaling \$25,000, conditioned in part that it be sorted, the unfit portion destroyed or denatured, and that the good portion, after inspection and approval by this department, be relabeled "Whole Eggs with Added Whites," and released.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18615. Misbranding of canned grapefruit juice. U. S. v. 54½ Cases of Canned Grapefruit Juice. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26351. I. S. No. 29908. S. No. 4682.)

A sample of canned grapefruit juice from the shipment herein described having been found short of the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On May 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54½ cases, each containing 2 dozen cans of grapefruit juice, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Florida Fruit Packing Corporation, Jacksonville, Fla., alleging that the article had been shipped from Jacksonville, Fla., on or about April 13, 1931, and had been transported from the State of Florida into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Royal Poinciana Brand Florida Grapefruit Juice Contents 1 Pt. 4 Fl. Oz. Florida Fruit Packing Corporation."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 Pt. 4 Fl. Oz.," was false and misleading; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On June 2, 1931, the Florida Fruit Packing Corporation, Jacksonville, Fla., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be

released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18616. Adulteration and misbranding of canned frozen eggs. U. S. v. 3,600 Cans of Frozen Eggs. Product ordered released under bond to be relabeled. (F. & D. No. 26346. I. S. Nos. 30009, 30010, 30011. S. No. 4591.)

Samples of canned frozen eggs from the shipments herein described having been found to contain added whites, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On May 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3,600 cans of frozen eggs, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Kraft-Phenix Cheese Corporation, Dallas, Tex., in part on or about February 11, 1931, and in part on or about February 16, 1931, and had been transported from the State of Texas into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can cover) "Whole Eggs;" (tag) "Kraft-Phenix Cheese Corporation * * * Dallas, Texas. Whole Eggs."

It was alleged in the libel that the article was adulterated in that whole eggs containing added and undeclared egg whites had been substituted for whole eggs, which the said article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Whole Eggs," was false and misleading and deceived and misled the purchaser in that the article contained added and undeclared egg whites. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, whole eggs.

On June 8, 1931, William W. Johnstone, claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the product, judgment was entered ordering that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$15,000, conditioned in part that it be relabeled "Whole Eggs with Added Whites," and should not be disposed of contrary to the requirements of the law, and until inspected and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18617. Adulteration of dressed poultry. U. S. v. 4 Barrels of Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26354. I. S. No. 30451. S. No. 4687.)

Samples of dressed poultry from the shipment herein described having been found to be decomposed and diseased, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On May 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4 barrels of dressed poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Henderson Produce Co., Laclede, Mo., on or about May 4, 1931, and had been transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance; in that it consisted in whole or in part of portions of animals unfit for food; and in that it was the product of diseased animals.

On June 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18618. Adulteration of frozen eggs. U. S. v. 441 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26307. I. S. No. 28748. S. No. 4633.)

Samples of frozen eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On May 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 441 cans of frozen eggs, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped for and on the order of S. E. Clark (Inc.), from Chicago, Ill., on or about June 30, 1930, and had been transported from the State of Illinois into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "White House Brand * * * Frozen Eggs Whites & Yolks Mixed. H. M. Noack & Sons Arlington, Minn."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance.

On June 1, 1931, the Joe Lowe Corporation, Baltimore, Md., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that the portion of the product that was not adulterated be separated from the decomposed portion under the supervision of this department, and the unfit portion denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18619. Adulteration and misbranding of Za-Rex fruit sirups. U. S. v. 1,182 Cases of Za-Rex Fruit Sirups. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D.) No. 26224. I. S. Nos. 20129 to 20136, incl., 20217 to 20224, incl. S. No. 4508.)

Examination of sample bottles of the variously flavored fruit sirups from the shipments herein described showed that the bottles contained less than the volume declared on the label; that the cherry sirup contained benzaldehyde, an added artificial flavor; that the pineapple sirup contained undeclared artificial color; and that the punch sirup was colored with a coal-tar color and not a vegetable color, as represented by the label.

On April 20, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,182 cases of Za-Rex fruit sirups, remaining in the original unbroken packages at New York, N. Y., consigned at various times by the same firm under the names of Rex Food Prod. Co., Za-Rex Co., Za-Rex Co. (Inc.), or Zarex Food Prod., alleging that the articles had been shipped from Boston, Mass., between the dates of May 17, 1930 and August 16, 1930, and had been transported from the State of Massachusetts into the State of New York. It was charged that the articles were misbranded in violation of the food and drugs act as amended, and that the cherry sirup also was adulterated.

The so-called punch was labeled in part: "Za-Rex * * * Contents One Pint Punch * * * Pure Vegetable Color * * * Manufactured and Guaranteed by Za-Rex Food Products, Inc., Boston, Mass." The remaining sirups were labeled in part: "Za-Rex * * * Contents One Pint Raspberry [or "Cherry," "Strawberry," "Lemon and Lime," "Lemon," "Pineapple," or "Orange"] * * * Manufactured and Guaranteed by The Za-Rex Company, Inc., Boston, Mass."

Adulteration of the cherry sirup was alleged in the libel for the reason that artificial flavor had been substituted in part for the article, and for the further reason that it was mixed with artificial flavor in a manner whereby inferiority was concealed.

Misbranding was alleged with respect to all products for the reason that the statement on the label, "Contents One Pint," was false and misleading and deceived and misled the purchaser; and for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct. Misbranding was alleged with respect to the pineapple, cherry, and punch sirups for the further reason that the designation "Pineapple" was false and misleading, and deceived and misled the purchaser when applied to an artificially-colored product; the statements, "Cherry * * * A Pure Fruit Juice Flavored Syrup," were false and misleading and deceived and misled the purchaser when applied to an artificially flavored product; and the statement, "Pure Vegetable Color" appearing in the labeling of the punch sirup,

was false and misleading, and deceived and misled the purchaser when applied to an article colored with Amaranth, a coal-tar dye.

On June 23, 1931, the Zarex Co. (Inc.), Boston, Mass., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that the said pineapple, cherry, and punch sirups be relabeled and that all bottles be refilled to bring the volume up to the declared contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18620. Adulteration and misbranding of Za-Rex fruit sirups. U. S. v. 85 Dozen Cases of Za-Rex Strawberry Fruit Juice Syrup, et al. Decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 26352. I. S. Nos. 9847 to 9850, incl., 16180 to 16187, incl. S. No. 4647.)

Examination of sample bottles of the variously flavored fruit sirups from the shipments herein described showed that the jugs contained less than the volume declared on the label; that the cherry sirup contained benzaldehyde, an added artificial flavor; and that the labels of certain of the products represented that they were colored with vegetable color, whereas they were colored with coal-tar dyes.

On May 14, 1931, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 463 dozen cases of Za-Rex fruit juice sirups of assorted flavors, remaining in the original unbroken packages at Baltimore, Md., alleging that the articles had been shipped by the Za-Rex Co. (Inc.), from Boston, Mass., in various consignments between the dates of June 16, 1930 and August 5, 1930, and had been transported from the State of Massachusetts into the State of Maryland. It was charged that the articles were misbranded in violation of the food and drugs act as amended, and that the cherry sirup also was adulterated.

The articles were contained in bottles labeled in part: "Za-Rex * * * Contents One Pint Strawberry [or "Raspberry," "Cherry," "Grape," "Orange," "Lemon," "Lemon and Lime," or "Punch"] * * * Manufactured and Guaranteed by The Za-Rex Company, Inc. Boston, Mass." With the exception of the punch sirup they were further labeled, "A Pure Fruit Juice Flavored Syrup." The declaration "Certified Color" appeared on all labels with the exception of a portion of the raspberry and grape sirups, on the labels of which the statement "Vegetable Color" appeared.

Adulteration was alleged in the libel with respect to the cherry sirup for the reason that artificial flavor had been substituted in part for a cherry fruit-juice flavored sirup, which the article purported to be, and for the further reason that the article was mixed with artificial flavor in a manner whereby its inferiority was concealed.

Misbranding was alleged with respect to all products for the reason that the statement, "Contents 1 pint," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to articles which were short of the declared volume; and for the further reason that the said articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct. Misbranding of the cherry, grape, and raspberry sirups was alleged for the further reason that the statement, "Cherry A Pure Fruit Juice Flavored Syrup," was false and misleading, and deceived and misled the purchaser when applied to an artificially flavored product; and in that the statement, "Vegetable Color," appearing on the labels of a portion of the grape and raspberry sirups was false and misleading, and deceived and misled the purchaser when applied to articles colored with coal-tar dye.

On June 23, 1931, the Za-Rex Co. (Inc.), Boston, Mass., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that they should not be sold or disposed of until relabeled so as to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18621. Adulteration and alleged misbranding of tomato catsup. U. S. v. 151 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 26330, 26331, 26332. I. S. No. 24226. S. No. 4648.)

Examination of samples of tomato catsup from the shipment herein described having shown that the article was partially decomposed, and that the label bore an inconspicuous declaration of the added color present in the article, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Texas.

On May 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 151 cases of tomato catsup, remaining in the original packages in various lots at Lubbock, Slaton, and Lamesa, Tex., consigned by the Ozark Mountain Canning Co., of Springfield, Mo., alleging that the article had been shipped from Bentonville Ark., on or about November 8, 1930, and had been transported from the State of Arkansas into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Packed by Mid-Mountain Fruit Co., Bentonville, Ark."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article; and for the further reason that the statement, "Tomato Catsup," appearing on the label, was false and misleading and deceived and misled the purchaser when applied to an artificially colored tomato catsup, labeled with an inconspicuous declaration of added color.

On June 15, 1931, no claimant having appeared for the property, judgment was entered finding the product adulterated, and ordering that it be condemned and forfeited and destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18622. Adulteration and misbranding of cereal meal. U. S. v. 1 7/12 Dozen Packages, et al., of Cereal Meal. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25958, 25970, 26111. I. S. Nos. 12858, 12870, 22058. S. Nos. 4184, 4185, 4416.)

Examination of samples of the so-called cereal meal from the shipments herein described having shown that the article contained a gelatinous material such as agar, and that the carton labels and the circular bore statements representing that it possessed health and curative properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On March 3 and March 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 40 7/12 dozen packages of cereal meal, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Cereal Meal Corporation, Denver, Colo., alleging that the article had been shipped from Denver, Colo., in various consignments between the dates of October 22, 1930 and March 9, 1931, and had been transported from the State of Colorado into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that agar or other gelatinous material had been mixed and packed with and substituted in part for cereal meal, which the said article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, "Cereal Meal." Misbranding was alleged for the further reason that the statement on the label, "Cereal Meal," was false and misleading, and deceived and misled the purchaser when applied to an article containing agar or other gelatinous material. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and in the circular, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "As a Preventive Anything that Prevents disease is much better than having to resort to regular treatment. The old saying 'An ounce of Preventive is worth a Pound of Cure,' is wise. * * * The ideal Health Food for Constipation and Evils Resulting Therefrom * * * For

the relief * * * Indigestion, Gastro-Intestinal Disorders and the many wretched conditions and symptoms that invariably accompany Constipation, * * * In Stubborn, Long-Standing Cases, * * * until the bowels become regular and normal * * * For the Vast Majority of Cases of Constipation, Thus Relieving Much Indigestion, Chronic Appendicitis and Mucous Colitis Due Thereto. Cereal Meal stimulates to action the glands along the bowel and increases bowel peristalsis (worm-like movement of bowel). It furnishes body to the stool which does not get hard and dry. Nerve force and blood supply become normalized, allowing nature to resume her perfect work. Many people suffer with chronic appendicitis and do not know it * * * A diet * * * as Cereal Meal does, relieving the bowel of fecal masses and irritative gases, will in most cases relieve the trouble. The coarse grain in Cereal Meal increases the secretory powers of the stomach and intestinal glands and decreases fermentation and gas formation, thus relieving many forms of indigestion. Mucous Colitis is a catarrhal condition of the large intestine. * * * Cereal Meal cleans out the mucus, clears the bowel and aids the mucous membrane of the colon to return to normal. Cereal Meal * * * nourishes the tissues, aids glandular action, stimulates the nerve endings and gives strength. * * * Constipation Often Cause of Children's Disease;" (circular) "Eat Your Way to Health."

On June 27, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18623. Adulteration and misbranding of canned grapefruit juice and canned orange juice. U. S. v. 75 Cases of Canned Grapefruit Juice, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 26133, 26156, 26159. I. S. Nos. 12399, 22078, 22079. S. Nos. 4426, 4466, 4467.)

Examination of samples of canned grapefruit juice and canned orange juice from the shipments herein described showed that the articles contained added sugar, also that the cans contained less than the volume declared on the labels.

On March 27 and March 31, 1931, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 75 cases of canned grapefruit juice, and 175 cases of canned orange juice, remaining in the original unbroken packages in part at Seattle, Wash., and in part at Tacoma, Wash., alleging that the articles had been shipped by the Orlando Canning Co., from Orlando, Fla., in part on or about February 20, 1931, and in part on or about March 10, 1931, and had been transported from the State of Florida into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part, respectively: (Cans) "Heart of Florida Brand Fancy Florida Grapefruit Juice Contents 11 Fl. oz. or 312 Grams Packed by Orlando Canning Co., Inc., Orlando, Fla.;" and "Heart of Florida Brand Pure Florida Orange Juice Contents 10½ Fl. Oz., or 297 Grams, Packed by Orlando Canning Co., Inc., Orlando, Florida."

Adulteration was alleged in the libel filed with respect to the grapefruit juice for the reason that grapefruit juice with added sugar had been substituted in part for the article. Adulteration of the orange juice was alleged for the reason that orange juice with added sugar had been substituted for the article.

Misbranding was alleged for the reason that the statements, "Grapefruit Juice," "Contents 11 Fl. oz. or 312 Grams," "Pure * * * Orange Juice," and "Contents 10½ Fl. Oz." borne on the can labels, were false and misleading and deceived and misled purchasers when applied to grapefruit juice and orange juice which contained added sugar, and which were short volume. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect; and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On April 7 and April 15, 1931, the Preston R. Myrick Co., Seattle, Wash., and the Orlando Canning Co. (Inc.), Orlando, Fla., having appeared as claimants for respective portions of the products, and said claimants having admitted the allegations of the libels and consented to the entry of decrees, judgments of

condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimants upon payment of costs and the execution of bonds totaling \$600, conditioned in part that they be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18624. Adulteration and misbranding of Fruto punch concentrate. U. S. v. Startup Candy Co. Plea of guilty. Fine, \$180. (F. & D. No. 25696. I. S. Nos. 018547, 018548, 018549.)

Examination of the beverage materials herein described showed that the articles were highly concentrated citric acid solutions artificially colored and sweetened, containing a negligible amount of fruit juice.

On April 15, 1931, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Startup Candy Co., a corporation, Provo, Utah, alleging shipment by said company, in violation of the food and drugs act, on or about March 28, 1930, from the State of Utah into the State of Idaho, of a quantity of Fruto punch concentrate which was adulterated and misbranded. The article was labeled in part: (Bottles) "Magnolia Brand * * * Fruto Double Strength Punch Concentrate Cherry [or "Orange" or "Grape"] Enriched with True Fruit Products. * * * Startup Candy Co., Provo, Utah."

It was alleged in the information that the article was adulterated in that a substance, a sweetened and highly concentrated citric acid solution, artificially colored and artificially flavored, and containing but a slight and negligible concentrate or other true fruit products, had been substituted in part for a quantity, if any, of cherry (or orange or grape, as the case might be) fruit concentrate made from cherry, orange, or grape fruit, which the article purported to be. Adulteration was alleged for the further reason that artificial color and flavor had been mixed with the article in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements "Fruto * * * Cherry [or "Orange" or "Grape"] Concentrate Double Strength, * * * Enriched with True Fruit products," borne on the labels, were false and misleading in that the said statements represented that the article was a concentrate made from cherry, orange, or grape fruit and was enriched with true fruit products; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a concentrate made from the said fruits and was enriched with true fruit products, and was double strength fruit concentrate; whereas the article was not a concentrate made from cherry, orange, or grape fruit, it was not enriched with true fruit products and was not double strength fruit concentrate, but was a sweetened and highly concentrated citric acid solution, artificially colored and artificially flavored, and containing a negligible quantity, if any, of cherry, orange, or grape fruit products, or other true fruit products. Misbranding was alleged for the further reason that the article was an imitation of another article, and was offered for sale under the distinctive name of another article, to wit, cherry, orange, or grape fruit concentrate.

On May 25, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$180.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18625. Adulteration of butter. U. S. v. 9 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. No. 26745. I. S. No. 30148. S. No. 4553.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Niobrara Cooperative Creamery, Lusk, Wyo., on or about April 8, 1931, and had been transported from the State of Wyoming into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted

for butter, a product which should contain not less than 80 per cent of milk fat as prescribed by the act of March 4, 1923.

On May 25, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that such portions of the product as were passed by this department as fit for human consumption be delivered to charitable institutions.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18626. Adulteration and misbranding of butter. U. S. v. 22 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27139. I. S. No. 36101. S. No. 5128.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by John Wuethrich, from Greenwood, Wis., July 20, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On August 26, 1931, Coyne & Nevins Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18627. Adulteration of butter. U. S. v. 29 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 26768, 26770. I. S. Nos. 24722, 24745. S. Nos. 4754, 4861.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about May 28 and June 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 142 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in part by the Des Moines Cooperative Dairy on May 18, 1931, and in part by the Des Moines Cooperative Dairy Market Association on May 27, 1931, from Des Moines, Iowa, and had been transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

On June 5 and June 10, 1931, the Des Moines Cooperative Dairy Marketing Association, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to

the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18628. Adulteration and misbranding of butter. U. S. v. 9 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27175, 27177. I. S. Nos. 35037, 37102. S. Nos. 4910, 4975.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about June 23 and July 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 17 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Rewey Creamery Co., from Rewey, Wis., in part on June 12, 1931, and in part on June 30, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On June 25 and July 9, 1931, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant, to be reprocessed under the supervision of this department, upon payment of costs and the execution of bonds totaling \$2,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18629. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27165. I. S. No. 36454. S. No. 5046.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Polomas Creamery Co., from Wausaukee, Wis., July 14, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On July 28, 1931, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a de-

cree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18630. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27176. I. S. No. 37124. S. No. 4984.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Boyd Creamery Co., from Creston, Iowa, July 6, 1931, and had been transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On July 17, 1931, H. C. Christians Co., of Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reprocessed under the supervision of this department upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18631. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27173. I. S. No. 36412. S. No. 4912.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On June 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Ellsworth Creamery Co., from Ellsworth, Wis., June 17, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the article contained less than 80 per cent of milk fat.

On July 6, 1931, C. H. Weaver & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under

the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18632. Adulteration and misbranding of butter. U. S. v. 26 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27171. I. S. No. 37116. S. No. 4982.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Ledyard Creamery Co., from Ledyard, Iowa, July 2, 1931, and had been transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On July 15, 1931, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18633. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27167. I. S. No. 36332. S. No. 4939.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Farmers Creamery Co., from Bangor, Wis., June 23, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On July 17, 1931, C. H. Weaver & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department upon payment of costs and the execution

of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18634. Adulteration and misbranding of butter. U. S. v. 19 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27145. I. S. No. 40588. S. No. 5208.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Bagley Creamery Co., from Bagley, Wis., August 5, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On August 26, 1931, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reprocessed under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18635. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27144. I. S. No. 40594. S. No. 5130.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Rockhill Creamery Co., from Kansas City, Mo., August 5, 1931, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On or about August 24, 1931, Hunter, Walton & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and

the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18636. Adulteration and misbranding of butter. U. S. v. 10 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27143, 27174. I. S. Nos. 36116, 35040. S. Nos. 4911, 5127.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about June 25 and August 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 35 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Farmers Union Creamery Co., from Norfolk, Nebr., in part on June 12, 1931, and in part on July 22, 1931, and had been transported from the State of Nebraska into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On July 6 and August 26, 1931, the S. S. Borden Co., and Gallagher Bros. (Inc.), both of Chicago, Ill., having appeared as claimants for respective portions of the property, and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants, to be reworked under the supervision of this department, upon payment of costs and the execution of bonds totaling \$1,500 conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18637. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27141. I. S. No. 40580. S. No. 5126.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Waseca Creamery Association, from Waseca, Minn., July 30, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On August 26, 1931, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was

ordered by the court that the product be released to the said claimant to be reprocessed under the supervision of this department upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18638. Adulteration and misbranding of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27140. I. S. No. 40578. S. No. 5129.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Madison Dairy Produce Co., from Madison, Wis., July 30, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On or about August 26, 1931, Coyne & Nevins Co. (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18639. Adulteration and misbranding of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27112. I. S. No. 36328. S. No. 4940.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about July 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Wisconsin Valley Dairy Products Co., from Wisconsin Rapids, Wis., June 22, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On July 8, 1931, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reprocessed under the

supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18640. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27111. I. S. No. 36349. S. No. 4983.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the De Soto Creamery Co., from De Soto, Wis., June 29, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, since it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since the article contained less than 80 per cent of milk fat.

On July 9, 1931, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reprocessed under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and all other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18641. Adulteration and misbranding of butter. U. S. v. 13 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27110, 27172. I. S. Nos. 36342, 37112. S. Nos. 4955, 4978.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 3 and July 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 26 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Hastriter Creamery Co., from McPherson, Kans., June 25, 1931, and had been transported from the State of Kansas into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that it contained less than 80 per cent of milk fat.

On July 13 and July 17, 1931, the Peter Fox Sons Co., and C. H. Weaver & Co., both of Chicago, Ill., having appeared as claimants for respective portions of the property and having admitted the allegations of the libel and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants to be

reworked under the supervision of this department, upon payment of costs and the execution of bonds totaling \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18642. Adulteration and misbranding of butter. U. S. v. 19 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27109. I. S. No. 36341. S. No. 4937.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Yale Cooperative Creamery, from Yale, Okla., June 24, 1931, and had been transported from the State of Oklahoma into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On July 17, 1931, C. H. Weaver & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18643. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27108. I. S. No. 37108. S. No. 4976.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about July 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Red Mound Creamery Co., from De Soto, Wis., July 3, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On July 14, 1931, the Red Mound Creamery Co., De Soto, Wis., claimant, having admitted the allegations of the libel and having contended to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs

and the execution of a bond in the sum of \$200, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18644. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26767. I. S. No. 24746. S. No. 4860.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about June 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Swift & Co., from Columbus, Nebr., May 29, 1931, and had been transported from the State of Nebraska into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On June 29, 1931, the Omaha Packing Co., Chicago, Ill., claimant, having admitted the allegation of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18645. Adulteration and misbranding of butter. U. S. v. 34 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26766. I. S. No. 24750. S. No. 4862.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On June 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Mount Horeb Creamery Co., from Mount Horeb, Wis., June 3, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On June 24, 1931, the Waskow Butter Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs

and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18646. Adulteration and misbranding of butter. U. S. v. 40 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26769. I. S. No. 35654. S. No. 4858.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On June 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by H. P. Mossing, from Dodge, Wis., June 2, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On June 17, 1931, H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reprocessed under the supervision of this department upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18647. Adulteration and misbranding of butter. U. S. v. 79 Tubs, et. al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27164, 27178. I. S. Nos. 35334, 37106. S. Nos. 4979, 5051.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about July 14 and July 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 227 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Reno Creamery Co., from Hutchinson, Kans., in part on June 29, 1931, and in part on July 7, 1931, and had been transported from the State of Kansas into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On July 28 and July 29, 1931, L. D. Schreiber and Co. (Inc.), and the Peter Fox Sons Co., Chicago, Ill., having appeared as claimants for respective portions of the product, and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were

entered, and it was ordered by the court that the product be released to the said claimants to be reworked under the supervision of this department, upon payment of costs and the execution of bonds totaling \$4,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18648. Adulteration and misbranding of butter. U. S. v. 21 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27163, 27169. I. S. Nos. 35342, 36466. S. Nos. 5049, 5050.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 25 and July 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 29 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Eastman Creamery Co., from Prairie du Chien, Wis., in part on July 13, 1931, and in part on July 20, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On or about July 28 and July 29, 1931, the Peter Fox Sons Co., and Coyne & Nevins Co., both of Chicago, Ill., having appeared as claimants for respective portions of the property and having admitted the allegations of the libel and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants to be reworked under the supervision of this department, upon payment of costs and the execution of bonds totaling \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18649. Adulteration and misbranding of butter. U. S. v. 4 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27147, 27179. I. S. Nos. 35120, 36424. S. Nos. 4891, 4938.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about June 17 and July 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 22 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Almond Cooperative Creamery Co., from Almond, Wis., in part on June 9, 1931, and in part on June 22, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On June 23 and July 6, 1931, the Land O'Lakes Creameries (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of bonds totaling \$600, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18650. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27166. I. S. No. 35349. S. No. 5047.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

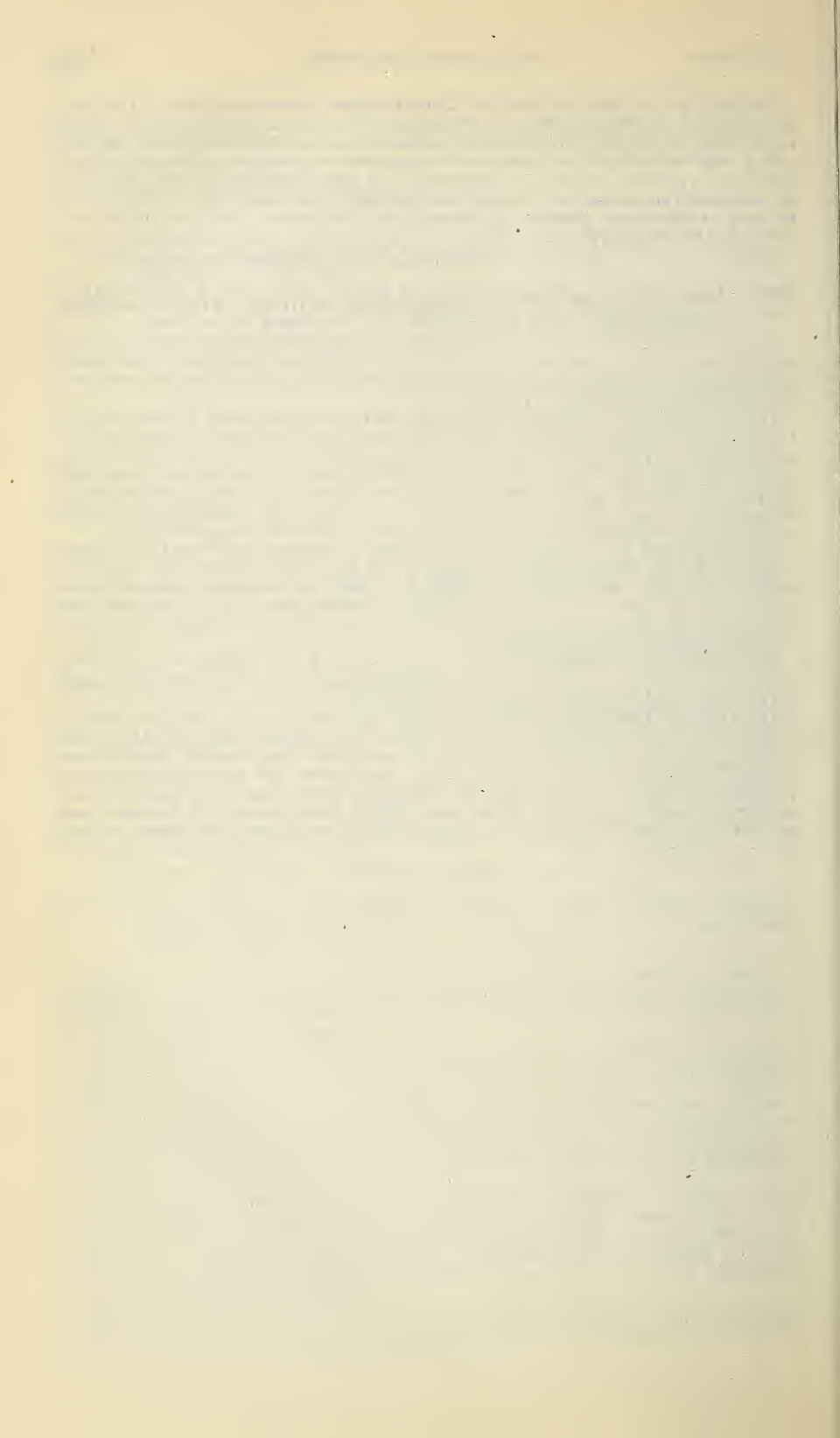
On or about July 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Northland Cooperative Creamery Co., from Ashland, Wis., July 10, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On July 28, 1931, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*



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Morning Glory Creamery-----	18583
Mound City Ice Cold Storage	
Co-----	18555
Tranin Egg Products Co-----	18589
whole:	
Fairmont Creamery Co-----	18566
Kraft-Phenix Cheese Corpora-	
tion-----	18614, 18616
Swift & Co-----	18567
Feed—	
beef scrap and bone:	
Independent Manufacturing	
Co-----	18576
blood feeding tankage:	
Independent Manufacturing	
Co-----	18576
bone meal:	
Thompson Hayward Chemical	
Co-----	18569
corn gluten feed:	
Corn Products Refining Co--	18602
oil cake:	
Corn Products Refining Co--	18604
feeding bone meal:	
Independent Manufacturing	
Co-----	18576
oats, barley mixed:	
Anderson, Embrey E-----	18573
ground mill:	
Charleston Milling & Produce	
Co-----	18582
mixed feed:	
Anderson, Embrey E-----	18573
Fish—	
mackerel, salt:	
Davis Bros. Fisheries Co----	18605
salmon, canned:	
Sergeant Paup Co-----	18600
West Sales Co-----	18599
Fruit	
sirups, Za-Rex:	
Rex Food Prod. Co-----	18619
Za-Rex Co-----	18619
Za-Rex Co. (Inc.)-----	18619, 18620
Za-Rex Food Prod-----	18619
Fruto punch concentrate:	
Startup Candy Co-----	18624
Gelatin dessert powder:	
Western Grocer Mills-----	18591
Grapefruit juice:	
Florida Fruit Packing Cor-	
poration-----	18615
Orlando Canning Co-- 18552,	18623
Roberts Bros-----	18556
Ice cream cones:	
Northwest Cone Co-----	18601
Jack Sprat brand gelatin dessert pow-	
der. <i>See</i> Gelatin dessert powder.	
Mackerel. <i>See</i> Fish.	
Nuts—	
walnut meats:	
Southern California Supply	
Co-----	18586
Oats, ground mill. <i>See</i> Feed.	
mixed feed. <i>See</i> Feed.	
Orange juice:	
Orlando Canning Co-- 18552, 18623	

Pears:	N. J. No.	
Holtzinger, C. M., Fruit Co.	18607	
Pimientos, canned:		
Von Bremen-Asche-De Bruyn (Inc.)	18562	
Poultry:		
Seymour Packing Co.	18568	
dressed:		
Henderson Produce Co.	18617	
Land O'Lakes Creameries	18608	
Prunes, canned:		
Hunt Bros. Packing Co.	18557, 18579, 18584	
Paulus Bros. Packing Co.	18560, 18572, 18595	
Pumpkin, canned:		N. J. No.
Penns' Manor Canning Co.	18551	
Salmon. <i>See</i> Fish.		
Shellfish—		
shrimp:		
Pelican Lake Oyster & Pack- ing Co.	18610	
Tomato catsup:		
Baumer's Food Product Co.	18592	
Cairns, Alex. & Sons (Ltd.)	18590	
Ozark Mountain Canning Co.	18575, 18621	
pulp:		
Suppiger, G. S., Co.	18594	
Walnut meats. <i>See</i> Nuts.		
Ja-Rex fruit sirups. <i>see</i> Fruit sirups.		

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18651-18700

[Approved by the Secretary of Agriculture, Washington, D. C., April 21, 1932]

18651. Misbranding of Maxey's vegetable tonic and Maxey's One Minute liniment. U. S. v. 1½ Gross of Maxey's Vegetable Tonic, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25664, 25665. I. S. Nos. 14423, 14424. S. No. 3929.)

Examination of samples of Maxey's vegetable tonic and Maxey's One Minute liniment having shown that the labeling contained statements representing that the articles possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported to the United States attorney for the Western District of South Carolina that certain quantities of the products were located at Spartanburg, S. C.

On January 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1½ gross of Maxey's vegetable tonic and 195 bottles of Maxey's One Minute liniment at Spartanburg, S. C., alleging that the articles had been shipped by the Maxey Medicine Co., from Winston-Salem, N. C., on or about March 22, 1929, and had been transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Maxey's vegetable tonic consisted essentially of small proportions of caffeine, chloroform, and ammonium chloride, volatile oils including mustard oil, sassafras oil, and clove oil, and water; and Maxey's One Minute liniment consisted essentially of chloroform, volatile oils including mustard oil, clove oil, and methyl salicylate, and water.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the said articles, appearing in the labeling, were applied to the articles knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers that they were in whole or in part composed of ingredients or medicinal agents effective in the diseases and conditions named therein, whereas the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Maxey's vegetable tonic, bottle) "For Indigestion, all Stomach and Bowel Troubles. Digests Food in Lower Bowels, preventing Fermentation. Purifies the blood and regulates the system. * * * where lining of stomach is inflamed from sores, abscesses or ulcers. * * * Acts Directly on the Stomach * * * Digests the Food * * * treatment prepared for conditions arising from the stomach such as indigestion, dyspepsia, heartburn, sour belching, acid stomach, * * * loss of appetite, nervous indigestion. Purifying the blood, eliminating the acids, malaria and impurities that are in the blood and system;" (Maxey's vegetable tonic, circular) "For cramps * * * Acute Indigestion * * * should be taken Several Days in the treatment of indigestion, or to purify the blood;" (Maxey's One Minute liniment, bottle) "Directions—For pains, apply to parts

affected. For pains in the back, side, joints, * * * Pyorrhea or diseased gums apply with cotton. Prevents Spanish Influenza, * * * Catarrh;" (Maxey's One Minute liniment, carton) "Relieves Headache, Toothache, Earache, or Neuralgia * * * Relieves pains in back, sides, shoulders, arms or limbs * * * Rheumatism, pneumonia or pleurisy pains * * * Catarrh of the head * * * Pyorrhea or diseased gums. * * * will keep poison, inflammation and soreness. * * * Pyorrhea or Diseased Gums;" (Maxey's One Minute liniment, circular) "For Rheumatic Pains, Pneumonia Pains, Pains in or across Back, in the limbs or joints. * * * For Catarrh * * * Headache. * * * For Headaches or Neuralgia * * * For Pyorrhea or Diseased Gums * * * For Rheumatism, Kidney and Back Trouble, also Female Trouble, remove pains, soreness, also stiffness with * * * A sure preventative of Spanish Influenza."

On June 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18652. Misbranding of Number Twenty Seven. U. S. v. 11½ Dozen Small Bottles, et al., of Number Twenty Seven. Default decree of condemnation and destruction. (F. & D. No. 23488. I. S. Nos. 04130, 04131. S. No. 1698)

Examination of a drug product, known as Number Twenty Seven, from the lot herein described having shown that the bottle label and circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On March 5, 1929, the United States attorney filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 11½ dozen small and 28 medium-sized bottles of Number Twenty Seven, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being sold and offered for sale by the Washington Wholesale Drug Exchange at its premises in Washington, D. C., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate (63.5 grams per 100 milliliters), quinine sulphate (1 gram per 100 milliliters), an iron compound, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the bottle label and in the accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For * * * Grippe, Chills & Fever, Malaria, * * * Purifies the system;" (circular) "For * * * La Grippe, Chills and Fever, Malaria, Indigestion, * * * Gas on Stomach and Many Other Ailments of the Human System * * * Number Twenty Seven Cleanses the System of all poisonous matter, acts on the kidneys and liver, and does away with that tired sluggish feeling. For * * * La Grippe * * * Guard Your Health. You don't have to be sick before you take Number 27. When you get up in the morning with that tired lazy feeling, and feel worn out before your day's work is begun, you should take Number 27 and cleanse your system of those poisonous germs which may cause sickness later on."

On August 20, 1929, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18653. Alleged misbranding of Lee's Save The Baby. U. S. v. 23 7/12 Dozen Bottles, et al., of Lee's Save The Baby. Claim and answer filed. Case tried to the court. Judgment for claimant. Libel ordered dismissed. (F. & D. No. 23482. I. S. No. 03678. S. No. 1650.)

Examination of the bottle and carton labels of this product and of the circular inclosed in the carton disclosed that the article was intended to be used in the treatment of various ailments, particular emphasis being placed on the efficacy of the product in the treatment of infants and young children. This department deemed the statements, "Save the Baby," "For Croup," "For Sore Throat," "For Coughs," "Used in cases of Grippe, Bronchitis, Laryngitis, Tonsillitis, Pneumonia, etc.," and other statements contained in the said labels, to be

curative and therapeutic claims which were not justified by the composition of the article.

On March 1, 1929, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel, which was amended on March 14, 1929, praying seizure and condemnation of 23½ dozen 35-cent-sized and 12¾ dozen 70-cent-sized bottles of the said Lee's Save The Baby, remaining in the original unbroken packages at New Haven, Conn. It was alleged in the libel as amended that the article had been shipped in interstate commerce by Wm. W. Lee & Co., from Troy, N. Y., on various dates from March 5, 1928, to and including January 15, 1929, into the State of Connecticut, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an ointment with a lard base containing camphor, Canada balsam, origanum oil, rosemary oil, and a small proportion of alcohol.

The libel as amended alleged that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed, and that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers, and create in the minds of such purchasers, the impression and belief that it was composed of, or contained, ingredients or medicinal agents effective in the diseases and conditions named therein: (Front bottle label) "Save The Baby;" (back bottle label) "For Croup apply with the hand or by saturating * * * cloth and laying it over the throat and chest; also apply over the nose. In severe cases, where relief does not follow in half an hour, give a half teaspoonful internally every half hour. * * * For Sore throat apply on the throat; also take one-half a teaspoonful internally. For Coughs * * * apply on the chest, also take one teaspoonful morning and night. For ague in breast, apply to the parts affected;" (small carton) "Save the Baby * * * Croup Mixture * * * For Croup, * * * Coughs and Sore Throat. * * * used in cases of Grippe, Bronchitis, Laryngitis, Tonsillitis, Pneumonia, etc.;" (large carton) "Save the Baby. For Croup, Coughs, * * * etc.;" (circular) "Save The Baby * * * For Croup * * * Coughs, Tonsillitis, Bronchitis, * * * Sore Throat and similar ailments. * * * What Mother or Father has not been alarmed when awakened in the night by the childish cry of pain and the dread sound of croup? Or who of us has not shuddered when whooping cough, pneumonia or a hard cold has racked our children with pain and coughing spasms. It was because of a child's suffering that 'Save the Baby' came into being * * * a wee girl lay seriously sick with croup. * * * he administered a remedy of his own compounding * * * found * * * child completely out of danger. This physician prescribed the remedy * * * in other cases, always with gratifying results. * * * 'Save the Baby,' * * * by that name it had come to be known. * * * 'Save the Baby' for use in * * * croup, * * * tonsillitis, bronchitis, sore throat and all similar ailments in children and adults. * * * Use it * * * The results will be beneficial. For Adults—'Save the Baby' works * * * with as good results for adults as it does for children. The * * * relief given in coughs, bronchitis, pneumonia and other congested conditions of the head, throat or lungs * * * 'Save the Baby' * * * effective when used Hot. For Croup: * * * In severe cases, where relief does not follow in half an hour, give a half teaspoonful internally every half hour. * * * For Coughs * * * Apply on chest and throat; also take one teaspoonful morning and night. Influenza, Grippe and Pneumonia: * * * use 'Save the Baby' * * * In severe cases give half teaspoonful internally every half hour. * * * Use 'Save the Baby' * * * For Sore Throat and Tonsillitis: Apply on the throat and along the cord that runs from behind the ear down the neck; also take one half teaspoonful internally. Take from one half to one teaspoonful internally for all chest congestions and gathering of phlegm."

On March 26, 1929, William W. Lee & Co., a copartnership, Watervliet, N. Y., filed a claim and answer praying that the libel be dismissed and the seized goods returned to claimant. On motion by counsel for the Government, which motion was argued September 24, 1929, portions of claimant's answer were stricken, as will more fully appear from the following memorandum decision handed down by the court December 14, 1929 (Thomas, J.):

"The United States filed its libel for condemnation against certain bottles and their contents shipped in interstate commerce and prayed that the same be condemned upon the ground that they were misbranded within the meaning of the food and drugs act. The libel alleges the transportation as of January 15, 1929.

"The bottles were labeled 'Save the Baby.' On the back of the bottle is a label setting forth the following: 'For Croup apply with the hand or by saturating * * * cloth and laying it over the throat and chest; also apply over the nose. In severe cases, where relief does not follow in half an hour, give a half teaspoonful internally every half hour. * * * For Sore throat apply on the throat; also take one-half a teaspoonful internally. For Coughs * * * apply on the chest, also take one teaspoonful morning and night. For ague, in breast, apply to the parts affected.' * * *

"On the small carton the following legend appears: 'Save the baby * * * croup mixture * * * For Croup, * * * Coughs and Sore Throat * * * used in cases of Grippe, Bronchitis, Laryngitis, Tonsillitis, Pneumonia, etc.' There is considerably more of the same nature on the labels on the large cartons and on the circulars enclosed.

"The libel proceeds to charge that the alleged drugs in question were misbranded within the meaning of the food and drugs act of June 30, 1906, as amended, section 8, paragraph third, because they contained 'no ingredient or combination of ingredients capable of producing the effects claimed,' and that the labels were applied in reckless and wanton disregard of their truth and with intent to mislead purchasers.

"The claimant appears to be William W. Lee & Co., a partnership doing business in Watervliet, Albany County, N. Y. in the Northern District of New York. There is nothing to indicate who, at the present time, composes the copartnership. Both the answer and notice of claim are silent on this point.

"In their answer the claimants, after entering denial as to the alleged misbranding, set up a separate defense which is contained in paragraph four of the answer to which the motion to strike is addressed, wherein, inter alia, the claimant alleges: That on February 24, 1916, the United States attorney for the Northern District of New York laid an information against this claimant, William W. Lee & Co., and the several copartners thereof, pursuant to the food and drugs act, accusing them individually and as such copartnership of unlawfully shipping and delivering for shipment in interstate commerce articles of drugs identical in kind, nature, and composition with the articles of drugs which are the subject of the present libel, which articles then bore labels, wrappers, and reading matter substantially identical with the labels, wrappers, and reading matter present on the articles seized under this libel; and that said information charged the claimant of violating the identical statute involved in this proceeding in the same particulars as charged in this libel and that thereafter the information was duly dismissed on the merits and an order to that effect entered on or about November 13, 1916, all of which is exhibited in a copy of the information and order annexed to the answer.

"The answer then proceeds further to allege that on July 26, 1920, an information was laid by the United States attorney for the Northern District of New York which again charged the claimants with violation of the food and drugs act, in that the claimants shipped, on or about September 17, 1917, articles of drugs identical with those in suit and bearing the identical labels which said articles were claimed to be misbranded, and that on the 16th day of February, 1922, the information was dismissed, or nolle prossed, on motion of the United States attorney, as also appears by a copy of the information and order.

"The whole of the information of 1916 is not annexed but merely count 2 thereof, and it discloses that one Charles Samuel Ucher and Carrie L. Ucher, trading as William W. Lee & Co., did unlawfully ship and deliver from New York to Boston certain packages labeled substantially similar to the labels on the packages at bar, and it was charged that those labels constituted a misbranding. The order of the District Court of October 27, 1916, discloses that the defendants then pleaded guilty to the first count of the information (though what that first count was we can not tell), and were fined on their plea of guilty, \$25. The order dismissed the second count.

"There is nothing from the nature of the order to indicate just what the reason was for the dismissal. There is no recital that the issues were tried, nor is there anything to indicate whether the dismissal was because of insufficiency in the information or what. I think that a fair interpretation of the order would indicate the second count was dismissed on consent of the United

States attorney. Otherwise the dismissal would appear to have been founded on nothing whatsoever. The second information was also against the same defendants and charged a shipment of misbranded articles of the same kind as those involved in the first information and charged the misbranding thereof in the same way. The order which was entered thereon in February, 1922, recited the charge involved in the information at length, and that the defendants had entered a plea of former jeopardy and thereupon and on motion of the United States attorney the second information was dismissed.

"In the case at bar the Government moves to strike out the matter embodied in the separate defense upon the ground that: 'A, the allegations and matters contained in said paragraph 4 and said annexes do not constitute a valid defense to any matters charged in the libel; and B, the allegations and matters contained in said paragraph 4 and said annexes are incompetent, immaterial, irrelevant, and have no bearing whatever on the issues in this case.'

"The matters set up as a separate defense can be available only on one theory, and that is, that as to the libel at bar, they are *res adjudicata*. It is contended by the claimant that the dismissal of the two former informations against them involved an adjudication to the effect that articles so constituted and so labeled, as in the case at bar, are not misbranded and that such an adjudication is binding forever after.

"The doctrine of *res adjudicata* is, like many other legal principles, simple enough in its statement, but difficult, at times, in its application. A former judgment on the merits concludes the parties and their privies as to all matters which were litigated or which should or could have been litigated within the field of the specific controversy. Therefore, in any action between the same parties upon the identical claim or demand upon which a judgment has already been rendered, that judgment is conclusive. Where the action between the same parties is upon a different claim, the former judgment may, nevertheless, operate as an estoppel as to any matter litigated between the parties or actually determined therein.

"It is to be noted, then, that a former judgment is conclusive only as to the parties. It binds no one but the parties, or those who derive their interest in the subject matter from the parties. There is nothing in this record which indicates who the claimants are other than that they are persons operating under a partnership name. Whether there are 2 persons or 20 persons, and whether they are the identical persons who operated under the same partnership name in 1916 and 1920 does not appear. While it is true that the United States attorney has raised no question on this point the court, nevertheless, in its decision on the sufficiency of the answer set forth by defendants, is not restricted to a consideration only of the points made in the brief filed by counsel.

"Assuming, however, the identity of the parties, I find no identity of subject matter. In fact, there is no claim that there is an identity of subject matter, except that the claimants allege that the articles charged to be misbranded have the same composition and bear the same labels as the articles charged to have been misbranded in the criminal actions. It is not claimed, however, that the identical articles involved in the criminal proceedings had more than ten years ago are the subject of the seizure in New Haven in 1929. At best they are only similar. They are not the same. It follows, then, that the claim of *res adjudicata* must rest upon the theory that the dismissals of the two informations involved the determination, that articles of the substance of the articles at bar labeled in the same way, are not knowingly misbranded or their transportation in interstate traffic is not made with knowledge that they are misbranded. This brings us to the crux of the matter.

"I have been referred to only one type of case where a judgment in a criminal action may, in any sense, be said to be determinative of an issue in a civil action. That is the type of case involved in *Coffey v. United States*, 116 U. S. 436. Coffey had been prosecuted on a charge of having manufactured distilled spirits without paying the tax imposed by law. He was acquitted of that charge, and then an information in rem was filed against certain property alleged to have been used by Coffey in the manufacture of the distilled spirits. In his answer in the latter proceedings, Coffey pleaded in bar to the maintenance of the forfeiture proceedings the judgment of acquittal in the criminal case, and it was held by the Supreme Court of the United States that the plea was good. On page 443, Mr. Justice Blatchford, speaking for the court, said: 'Yet, where an issue raised as to the existence of the act or fact denounced has been tried in a criminal proceeding, instituted by the United States, and a judgment of acquittal has been rendered in favor of a particular person,

that judgment is conclusive in favor of such person, on the subsequent trial of a suit in rem by the United States, where, as against him, the existence of the same act or fact is the matter in issue, as a cause for the forfeiture of the property prosecuted in such suit in rem. * * * There could be no new trial of the criminal prosecution after the acquittal in it; and a subsequent trial of the civil suit amounts to substantially the same thing, with a difference only in the consequences following a judgment adverse to the claimant.'

"It will be noted that in the Coffey case the information in rem involved a claim to the forfeiture of the identical articles that were the basis for the criminal prosecution. We have no such situation in the case at bar. It must be further noted that in the Coffey case there had been a trial on the merits and an acquittal, which facts also are not present in the case under consideration. Later on the Supreme Court had occasion to construe its own decision in the Coffey case in the case of *Stone v. United States*, 167 U. S. 178 and Mr. Justice Harlan, speaking for the court, on page 184 said: 'But this court held that as the demurrer to the answer admitted that the fraudulent acts and attempts to defraud, alleged in the criminal information and covered by the verdict and judgment in the criminal case, embraced all the acts, attempts, and intents averred in the libel for the forfeiture of Coffey's personal property, the judgment of acquittal in the criminal case was a bar to the proceeding by libel.'

"It must be obvious that the Coffey case did not determine that an acquittal establishes immunity against prosecution for subsequent conduct or misconduct upon a similar charge; no judgment can do that. The Coffey case held, merely, that just as the Government would be estopped by a plea of former jeopardy from again prosecuting the defendants for the identical acts charged in the first indictment, so it would be estopped from bringing a proceeding in rem upon such identical facts. And it seems clear enough that a plea of former jeopardy could hardly be sustained against an indictment charging the commission of acts occurring after the first indictment had been dismissed. And if an acquittal could not be pleaded in bar to such an indictment, on what theory can such acquittal be said to be *res adjudicata* on such an information in rem?

"I think that the essential fallacy of the claimants' position lies in the obvious confounding of two wholly distinct conceptions, namely, that of *res adjudicata* and that of *stare decisis*. *Res adjudicata* constitutes a plea in bar founded upon a specific judgment determinative of a specific controversy. *Stare decisis* is not a plea at all. It is the rule of precedent. A person who has been indicted for buying intoxicating liquor may be acquitted upon the ground that buying liquor is no crime. If he be again indicted for buying the same liquor he may plead in bar the former acquittal. This would be a plea of former jeopardy and in its civil aspect, it is called *res adjudicata*. But if he be indicted for buying other liquor, he cannot plead former jeopardy, but he may demur to the indictment upon the ground that it fails to charge a crime, and then, proceeding upon an application of the doctrine of *stare decisis*, he may urge the former judgment of acquittal as a precedent to guide the court in the disposition of his demurrer. And it may well be that the second court, even though it be a court of coördinate jurisdiction, may disagree with the first and not permit the precedent to rule it. Had, however, the plea of *res adjudicata* been available then the court, whether of coördinate or of higher jurisdiction, would be compelled to give effect to it.

"These considerations apply with peculiar force to the case at bar. Let us assume that ten years ago these claimants were tried upon an indictment charging them with the offense of misbranding and that such charge arose out of conditions similar to those set out in the libel. Let us further assume that they were acquitted after a trial on the merits. The most that could be said of such an acquittal would be that the court, composed of a judge and a jury, determined that the product sold by the claimants was not then misbranded within the meaning of the statute. Such a judgment might have value as a precedent, though even in such a case, the value would be highly doubtful as the court could hardly be said to have established a rule of any kind. For, it is obvious, that in a criminal case, a plea of not guilty offers a traverse to every material allegation of the indictment and an acquittal necessarily follows if the Government fails in its proof on any one essential element in its case. Thus in a criminal trial for misbranding, it may be that the Government is unable to establish the interstate character of the shipment; or that it was the defendants who did the misbranding; or that the articles were shipped at the time charged in the indictment. An acquittal eventuating upon the

failure of proof beyond a reasonable doubt of any one of these necessary elements could hardly be said to adjudge that the labels were not false in fact and fraudulent in purpose. But in the case at bar there was never even any trial and acquittal. At any rate the record discloses none. The first information was dismissed, for what reason does not appear. If there was a trial then the judgment is strangely silent concerning the matter. As for the second information the judgment shows that it was nolle prossed by the United States attorney upon the tender of the plea of former jeopardy. It may be that this record exhibits an adjudication on the merits of something, but of what I can not tell.

"It follows, for the reasons herein given, that the motion to strike out the matters alleged in paragraph 4 of the answer and annexes A, B, C, and D should be granted and an order may be submitted accordingly."

On January 8, 1930, formal order was entered by the court striking portions of claimant's answer in accordance with the memorandum decision above.

On June 24, 1930, a jury having been waived, the case came on for hearing before the court on the issues presented by claimant's remaining defense, a general denial that the product was misbranded. Having heard the evidence and arguments of counsel for the Government and claimant, the court took the case under advisement, and on October 17, 1930, handed down the following opinion sustaining claimant's prayer to dismiss the libel (Thomas, J.):

"This is a proceeding in rem against a certain drug preparation, known as 'Lee's Save The Baby,' which name is and has been registered in the United States Patent Office for many years. The United States filed its libel for condemnation against certain bottles and their contents, shipped in interstate commerce, and prayed that the same be condemned upon the ground that they were misbranded within the meaning of the food and drugs act of June 30, 1906 (34 Stat. 768), as amended by the act of August 23, 1912 (37 Stat. 416).

"The libel charges that 'Said article of drugs * * * is and was * * * misbranded within the meaning of the act. * * * in that the following statements regarding the curative and therapeutic effects of the said article are false and fraudulent, (front bottle label) "Save The Baby," (back bottle label) "For Croup—apply with the hand or by saturating * * * cloth and laying it over the throat and chest; also apply over the nose. In severe cases, where relief does not follow in half an hour, give a half teaspoonful internally every half hour. * * * For Sore Throat apply on the throat; also take one-half a teaspoonful internally. For coughs * * * apply on the chest, also take one teaspoonful morning and night. For ague in breast, apply to the parts affected," (carton, small) "Save The Baby * * * Croup Mixture * * * For Croup, * * * Coughs and Sore Throat * * * used in cases of Grippe, Bronchitis, Laryngitis, Tonsillitis, Pneumonia, etc.," (carton, large) "Save The Baby for Croup, Coughs, * * * Etc.," (circular) "Save The Baby * * * For Croup * * * Coughs, Tonsillitis, Bronchitis, Sore Throat and similar ailments. * * * What Mother or Father has not been alarmed when awakened in the night by the childish cry of pain and the dread sound of croup? Or who of us has not shuddered when whooping cough, pneumonia or a hard cold has racked our children with pain and coughing spasms. It was because of a child's suffering that 'Save the Baby' came into being * * * a wee girl lay seriously sick with croup * * * he administered a remedy of his own compounding * * * found * * * child completely out of danger. This physician prescribed the remedy * * * in other cases, always with gratifying results. * * * 'Save the Baby,' * * * by that name it had come to be known. * * * 'Save the Baby' for use in * * * croup, tonsillitis, bronchitis, sore throat and all similar ailments in children and adults. * * * Use It * * * The results will be beneficial. For Adults—'Save the Baby' works * * * with as good results for adults as it does for children. The * * * relief given in coughs, bronchitis, pneumonia and other congested conditions of the head, throat or lungs * * * 'Save the Baby' * * * effective when used Hot. For Croup: * * * In severe cases, where relief does not follow in half an hour, give a half teaspoonful internally every half hour. * * * For Coughs * * * Apply on chest and throat; also take one teaspoonful morning and night. Influenza, Grippe and Pneumonia: * * * use 'Save the Baby' * * * In severe cases give a half teaspoonful internally every half hour. * * * Use 'Save the Baby' * * * For Sore Throat and Tonsillitis: Apply on the throat and along the cord that runs from behind the ear down the neck; also take one half teaspoonful internally. Take from one half to one teaspoonful internally

for all chest congestions and gathering of phlegm," in this, that the article contains no ingredient or combination of ingredients capable of producing the effects claimed, and that the same were applied to the said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of the purchasers thereof, the impression and belief, that the article was, in whole or in part, composed of, or contained ingredients or medicinal agents effective in the diseases and conditions named therein.'

"The jurisdictional allegations as well as the shipment in interstate commerce are admitted, but the essential and last quoted allegations of the libel as to the product are denied. Certain stipulations were filed eliminating the necessity of proving certain facts as to which it is unnecessary to make reference except as to the ingredients of the product. One of the stipulations sets forth that an analysis was made by an analyst of the United States Department of Agriculture of a sample of the shipment seized in these proceedings which shows that the composition and ingredients of the preparation are: Lard (approximately 70 per cent), alcohol (approximately 6 per cent), Canada balsam (approximately 10 per cent), volatile oils including camphor, rosemary oil, and origanum oil (approximately 15 per cent).

"To establish the fact that this preparation is misbranded within the meaning of the food and drugs act, the Government must prove by a preponderance of the evidence: First, that the label, carton, or circular carries some statement, design, or device regarding the contents of the package or the ingredients in the mixture which is false and misleading in some particular, and second; that the statement made or the design or device carried on the label or carton or in the circular regarding the curative or therapeutic effects of the same are false and fraudulent. Such being the case the fraud alleged must be established by competent proof and by credible and convincing evidence.

"The sections of the act here applicable provide as follows:

"(Sec. 9, Title 21, U. S. C.) 'Misbranded;' meaning and application. The term 'Misbranded' * * * shall apply to all drugs, * * * the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular."

"(Sec. 10., Title 21, U. S. C.) 'an article shall be deemed to be misbranded; * * * In case of drugs: Imitation or use of name of other article, first, * * * removal, and substitution of contents of package, or failure to state on label quantity or proportion of narcotics therein; second, * * * False statement of curative or therapeutic effect; third, if its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent.'

"It appears that the Government contends that this product contains no ingredients or combination of ingredients capable of producing the effects claimed for it and that the claims that are made for it are false and fraudulent and were applied by the manufacturers knowingly and in disregard of their truth or falsity, so as to falsely and fraudulently represent to the purchasers and create in their minds the impression and belief that the article was in whole or in part composed of or contained ingredients effective in the diseases mentioned in the carton and circular.

"The claimant denies misbranding within the purview of the food and drugs act and particularly denies that the statements regarding the curative and therapeutic effects of this product are false and fraudulent or were made in wanton disregard of their truth. It then affirmatively alleges that this product is capable of producing and has actually produced the curative or therapeutic effects claimed for it, and has offered credible evidence in support of his contentions.

"From the quoted allegations of the libel it appears that certain words and directions contained in the circular were omitted from the libel. Under familiar rules of pleading and evidence the Government is precluded from complaining of the omitted words, but it is only fair, in order to reach a proper conclusion respecting the issues presented, that we consider the entire label and all that is contained in the so-called literature and directions which accompany the bottle as bearing upon the good faith of the manufacturer of the product, because if it appears from all the evidence, and I conclude that the claims made for this remedy are true, then it necessarily follows that they cannot be false or fraudulent.

"In the use of the words 'therapeutic' and 'curative,' as set forth in the statute, it seems clear that these words were intended by the Congress to be given their ordinarily accepted meaning and while they have a certain meaning to the expert doctor, nevertheless they are a part of the vocabulary of any intelligent person. Therapeutic to the medical world means to heal; to make well; to restore to health. It is that branch of medicine dealing with the proper use of the right medicines in the treatment of diseases. The medical student studies 'Therapeutics' for the purpose of learning about different medicines to prescribe for the many ills to which the flesh is heir, in order to assist nature to make a sick patient well. The ordinary definitions found in the dictionaries are as follows: 'Having healing qualities; curative; alleviative; a medicine efficacious in curing or alleviating disease.' Webster defines therapeutics as 'that part of medical science which treats of the discovery and application of remedies for diseases.' The word 'curative' is not found in the medical dictionaries. The regular dictionaries define the word as 'possessing power or tending to cure; relating to the cure of disease; relating to or employed in the cure of disease; tending to cure.' In none of the definitions is there a suggestion that the words 'therapeutic' or 'curative' convey the meaning of absolute cure. The testimony of the experts shows that a therapeutic or curative agent is something which alleviates or tends to cure a disease, and that, except in a few instances, there is no medicine which, of itself, is an absolute cure for disease.

"With these definitions in mind we turn to section 7 of the act which defines 'drug' as follows: 'The term "drug" as used in * * * this title, shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of * * * man.'

"Therefore, 'Lee's Save the Baby' is a drug within the provisions of the statute, which is intended by its manufacturers for use in the 'cure, mitigation, or prevention of diseases in man.'

"Before analyzing the testimony it is important to note what the Supreme Court has held as to what are and what are not false and fraudulent statements within the purview of the act. In *Seven Cases v. United States*, 239 U. S. 510, Mr. Justice Hughes said, page 517: 'Congress deliberately excluded the field where there are honest differences of opinion between schools and practitioners. Cong. Rec. 62d Cong. 2d Sess., Vol. 48, Part 12, App., p. 675. It was, plainly, to leave no doubt upon this point that the words 'false and fraudulent' were used. This phrase must be taken with its accepted legal meaning, and thus it must be found that the statement contained in the package was put there to accompany the goods with actual intent to deceive—an intent which may be derived from the facts and circumstances, but which must be established. Id. 676. That false and fraudulent representations may be made with respect to the curative effect of substances is obvious. * * * It cannot be said, for example, that one who should put inert matter or a worthless composition in the channels of trade, labeled or described in an accompanying circular as a cure for disease when he knows it is not, is beyond the reach of the law-making power. Congress recognized that there was a wide field in which assertions as to curative effect are in no sense honest expressions of opinion but constitute absolute falsehoods and in the nature of the case can be deemed to have been made only with fraudulent purposes.'

"In the light of this decision it seems clear that if a drug mixture contains certain ingredients which the evidence shows have a therapeutic or curative value in the treatment of the diseases for which it is recommended, then there is no misbranding within the purview of the statute.

"Before beginning an examination of the evidence it is important to note that one of the claims made and the arguments advanced by counsel for the Government, both in their opening statement at the trial and subsequently in their brief, are predicated upon a wrong premise. Whether by mistake or design I do not say, but the result must be the same in either instance. If by mistake, it only shows that the preparation of the case was not careful, and the argument set forth in the brief was advanced only after a cursory examination of the evidence and the carton which is in evidence, the wording of which formed part of the basis for the libel. Attention is now directed to what is actually and fully printed in the literature accompanying each bottle.

"On the face of the carton we find the words, 'Lee's Save the Baby contains 8 per cent Alcohol U. S. P.' On the back of it are the words: 'Lee's Save the Baby. An Invaluable Croup Mixture Made of Pure Simple Ingredients. Can Be Used Internally Or Externally. Use It Hot.' On one side we find the words: 'For Croup, Snuffles, Colds, Coughs and Sore Throat. Frequently Used In Cases of Grippe, Bronchitis, Laryngitis, Tonsillitis, Pneumonia, Etc. Absolutely Safe For Children and Adults.' While the word 'Invaluable' was left out of the libel, the record shows that counsel for the Government, in his opening statement as to what he expected to prove said, *inter alia*: 'The rear label again has the word or the name, "Lee's Save The Baby" and a pictorial design of a woman holding a baby and following are the words, an "infallible" croup mixture, etc.'

"In their brief, on page 3, counsel again quote as follows: 'Rear panel: an infallible croup mixture.' Further on, in urging the argument, they say: 'The sense of the entire labeling "sounds" the curative idea and is augmented by the use of such terms as "infallible," "miraculous," "remedy," etc., which are to be found in the general language of the circular.'

"The label shows clearly that the word used by the proprietors is 'invaluable' and not as Government counsel asserted 'infallible.' Invaluable means of great value, very useful, inestimable, and the testimony of the experts leads to no other conclusion than that this mixture is 'an invaluable croup mixture.' Infallible, as defined by Webster, means indubitable, sure, certain, not capable of erring, entirely exempt from liability to mistake. If that word was used in the literature the Government's argument on this point would be sound, but, as pointed out, 'invaluable' is the word actually used and there is nothing synonymous about the two words.

"The testimony is conclusive that thyme, Canada balsam, commonly known as turpentine, camphor, and lard used hot, are comforting and beneficial and that they alleviate the pain and the suffering incidental to the diseases mentioned, and that these ingredients do have therapeutic and curative properties which aid nature in overcoming the disease. While it is true that the act was intended to protect the public from deception and fraud in connection with the sale of proprietary medicines, and while it is true that when a preparation is put upon the market which it is claimed has therapeutic and curative value it is equally true that it must appear from the evidence that the product has some beneficial action upon the disease mentioned. The great weight of the testimony of the medical experts shows that each one of the ingredients in this mixture exerts some beneficial influence upon each one of the diseases specified.

"It is generally known and the evidence shows that with very few exceptions there is no known cure, using that word strictly, for any disease. Nature, supplemented and aided by proper medicines, careful nursing, and proper diet does the work of curing. It has been clearly established that camphor, thyme, Canada balsam in a base of lard are remedial agents of value in the treatment of croup, coughs, colds, snuffles, sore throat, tonsillitis, bronchitis, and pneumonia and are used by reputable physicians in the treatment of these diseases. All the experts testify and the counsel for the Government concede that 'Save the Baby,' when applied externally acts as a rubefacient or counter-irritant, bringing an increased blood supply to the particular area of application, thereby soothing the patient and making him feel more comfortable; and that a further soothing effect, a symptomatic relief is produced by the inhalation of camphor fumes given off by the preparation; that when taken internally it acts as a carminative, giving a feeling of warmth and well being to the stomach, and the camphor present acts as a slight cardiac stimulant.'

"The labels, cartons, and circulars in evidence recommend the use of this compound in the treatment of diseases of the respiratory system—indicate how it is to be used and assert that its use has been found beneficial. Nowhere is there any claim made that it will cure. There is no language anywhere which could possibly be understood to convey the idea that it will cure. And what to my mind completely refutes the Government's claim of fraud and falsity is the language used by the manufacturer which is directory to the person disposed to use the remedy and is found in that part of the circular, headed 'Directions for Use.' After giving directions as to its use in cases of croup, snuffles, coughs, and colds it says: 'Influenza, Grippe and Pneumonia. For these serious illnesses it is wise to call a doctor soon as possible. Pending his arrival use "Save the Baby," and then follow the directions as to the use of the remedy pending the doctor's arrival.' Also the words, 'Keep a bottle of "Lee's Save the Baby" handy for Emergencies.'

"The proof in this case shows that this compound is beneficial and has therapeutic and curative value in cases of croup, coughs, colds, and snuffles. On direct examination one of the medical experts for the libellant testified as follows:

Q. Prior to being asked to appear as a witness in this case, have you ever heard of the preparation known as "Lee's Save The Baby."?

A. I have.

Q. Did you ever administer it to a child that you have been called upon to treat?

A. I have been asked by mothers whether I would give them permission to use it and I have consented.

Q. Do you know in a general way or specifically, the constituent ingredients of "Lee's Save The Baby"?

A. I do.

Q. Do you have any objection to the use of "Lee's Save The Baby" in your own mind?

A. No.

Q. Are preparations containing camphor, Canada balsam, and volatile oils on a greasy base used by physicians in the treatment of pathological conditions of the respiratory system?

A. They are used in the treatment as a soothing treatment, not as a curative treatment.

"In other words, conceded as it is by all that there is no cure for these respiratory diseases the best the doctors can do to restore normal health is to aid nature with nursing, diet, and medication, because it is nature that effects the cure. If the above mentioned medicines are those, or some of those used by doctors in the treatment of respiratory diseases, and they are the same ingredients as are found in the product under discussion, how can it fairly be asserted that there is anything false or fraudulent in the statements made by the manufacturer as appears in the labels, cartons, and circulars in evidence in this case? If a Government expert medical witness treating children with the afore-mentioned diseases allows mothers to use the remedy, knowing the ingredients, and has no objection in his own mind to the use of this product and testifies that camphor, Canada balsam, and volatile oils on a greasy base are used by him and other physicians in the treatment of these diseases, I conclude that the Government has utterly failed to sustain the allegations of its libel.

"As further enlightening let us turn to the testimony of one of the doctors who testified in behalf of the claimant and one who has had thirty years' experience as a specialist in children's diseases and an expert of learning and long experience in the treatment of the diseases under discussion. From his testimony it appears that practically all of the ingredients in this compound appear in the United States Pharmacopoeia and that camphor has a substantial standing in *Materia Medica* and is used quite universally; that balsam and thyme oil are used quite commonly in the treatment of the diseases of the respiratory tract; and that camphor is one of our very valuable therapeutic agents. With reference to the value of camphor it appears from the evidence that its action both internally and externally is beneficial. Externally it is rubefacient and produces, when applied to the skin, congestion, redness, and is like a counter-irritant bringing the blood to the surface and gives relief from pain as it has the effect of an anesthetic and such is the recognized action of the drug. Internally, it is used as a stimulant for the heart and it is also used a great deal in nose syringes with a base of mineral oil which gives relief. When used externally according to the directions, i. e., put on hot, the volatile part of thyme oil, camphor, and turpentine are inhaled and this action soothes the mucous membrane of the throat and nose. It is difficult to reach the mucous membrane of the larynx when the symptom of cold or croup originates and by inhaling the volatile oils that are accumulated from the external application of this remedy congestion and irritation are relieved and the patient derives a benefit.

"After dividing croup into two classes, true and false, we find that cases of true membranous croup are now rare because of the introduction of anti-toxin, so that false croup is a common complaint among children and the evidence abundantly justifies the conclusion that the compound complained of is in use by doctors, and in the case of one doctor of wide experience and learning who testified here that it is used in his own household.

"Dr. Shaw for the claimant, a witness of extended experience in the treatment of children's diseases, testified as follows:

Q. Now, I have the impression from the Government witnesses that there was some distinction, some distinction in the professional vocabulary between the cure so-called, the specific for a disease and the things that alleviated the thing, and tended to recover from it; has this compound here any therapeutic property which would be of value in cases of false croup?

A. Yes, sir.

Q. What are they?

A. The camphor, the turpentine, the hot application of the lard, which is very penetrating, the fumes that come from it.

- Q. Have you ever seen or heard of this being used as an emetic in case of false croup?
 A. I have.
- Q. What was the reaction there?
 A. The child would promptly vomit after two or three doses of an internal dose.
- Q. And that would be the combination of hot lard and thyme oil and the turpentine, and all that?
 A. Yes.
- Q. And that vomit tends to bring that gathering or phlegm from around the throat?
 A. It relaxes the muscular spasm.
- Q. And then the croup is over?
 A. Yes.
- Q. About the use of this in snuffles in small children, it is recommended for snuffles, I think that is one of the words that are on there. Have you ever had any experience with the product in that way?
 A. I never have, although I prescribe a preparation that contains a little menthol and camphor and a little iodine for the inhalation in the nose. It is something I have used for years and years.
- Q. And camphor, for instance, rubbed on has a certain therapeutic value for the treatment of colds in the head?
 A. Yes.
- Q. Not only from the fumes that it gives, but the direct action of the drug on the membrane; is not that true?
 A. Yes, sir.
- Q. And thyme oil and some combinations of turpentine products are recognized in the United States Pharmacopeia, are they not, as therapeutic agents for whooping cough?
 A. Yes, sir.
- Q. Also for the common cold?
 A. Yes, sir.
- Q. Taking up the question of pneumonia, pneumonia appears on that. What do you say as to the value of this particular product in the treatment of pneumonia, in the kind of pneumonia 1, 2, 3, and 4?
 A. I will answer that negatively. It can do absolutely no harm. It is a self-limiting disease.
- Q. And it would not do any harm to put a hot pack on the chest?
 A. No.
- Q. And that tends to relieve the patient's suffering; is that true?
 A. If there is pain, and pleurisy is associated with pneumonia, the use of the counter-irritants, such as mustard or turpentine applied externally, produces this redness of the skin that is spoken of, and that does give decided relief.
- Q. Of course, if you can relieve the painful symptoms, you are helping the patient to fight the disease, are you not?
 A. Yes, sir.
- Q. Influenza and grippe are two of the claims here. Does anybody know what influenza is?
 A. I do not.
- Q. Does anybody know what grippe is?
 A. I do not.
- Q. But in cases of influenza and grippe, would the turpentine products, Canada balsam, for instance, would that have a tendency to relieve the congested condition of the lungs or the throat or the nose, as the case may be?
 A. I believe it would.
- Q. Would you call that a therapeutic action or a mechanical action?
 A. Therapeutic.
- Q. You think it would be therapeutic?
 A. Yes.
- Q. What do you say in that regard as to camphor, in those diseases; has that any therapeutic value on the painful symptoms which accompany what we call influenza and grippe?
 A. It would.
- Q. Am I right in saying that when I say a thing has a therapeutic value, it means that it relieves some present inward condition?
 A. Or symptom, yes.
- Q. I want to get straight on the word. Now, what is the usually accepted treatment in pediatrics, for, we will say, a child who shows symptoms of discomfort, which, when you arrive there, you diagnose and say, "I think this child has an attack of the grippe, or 'flu,'" or something of that kind. What is the usual treatment in such cases as that?
 A. That was outlined very well this morning by—absolute rest in bed, drinking fluids and treating any symptoms as they arise, giving comfort and inhalations and the use of other remedies that are not to be considered here.
- Q. And in your opinion, would the use of this compound here tend to mitigate the conditions that are present in these cases?
 A. I believe it would.
- Q. Or any similar compound or drug?
 A. Yes, sir.
- Q. Have you ever seen it used when you get to a patient, when you are called; have you ever found this product having been used in cases of "flu"?
 A. Very frequently.
- Q. What do you find the condition to be when you get there? That is, how were they using it?
 A. Usually heavily rubbing on the chest, I think usually the external use is more prevalent than the internal use of it. That has been my experience; that they rub the preparation on the chest or else put a little on a flannel and put it on the upper part of the chest, and put it around the throat and other places.
- Q. If they have used this preparation internally, of course a certain amount of camphor has been absorbed into the patient's system?
 A. A small amount.
- Q. What effect does camphor have on a child's condition; what is the effect of the drug itself; does it stimulate?
 A. It is a stimulant. The word as used this morning is a carminative, and relieves intestinal conditions.

Q. What about thyme oil present in the origanum oil; is that indicated as a therapeutic agent in some cases?

A. Thyme oil is an antiseptic. It is rather soothing if taken internally and inhaling it relieves the congestion of the mucous membrane on account of its soothing effects.

Q. Now, the Canada balsam, we will call it turpentine for short; has that a certain well-recognized therapeutic value in cases of that kind?

A. Yes, that comes under the term of turpentine. There are two classes of that, and that is recognized, and it is the basis of a good many remedies.

"Dr. Schroeder of New York City, who prior to this case had never heard of this remedy, has had a large and extended practice for many years in the treatment of children's diseases and occupies a prominent place in the medical profession. After learning of the ingredients and the proportions he testified that 'Is a very good remedy * * * there is not a substance in it which is not used in medicine or which is not recognized, and you not only find it in the American Pharmacopœia, but find most of them in the French and Italian and German. The Canada balsam or turpentine has long been recognized as being distinctly helpful in all respiratory infections * * * A great many cough expectorants have Canada balsam in them and it is distinctly useful as an expectorant. So far as camphor is concerned, everybody knows it is valuable. It depends chiefly on this fact, that it is volatile, and everything that can diminish the choking up of the nose so that you breathe more easily, makes you feel better and when you feel better you cure your disease faster.' Regarding the therapeutic effect of this remedy the doctor testified as follows:

Q. Of course this compound herein and of itself is not a cure for anything, there is no such claim; but I want to know from you whether it has the ingredients in it which will have some curative effect and some therapeutic effect on the condition that you describe as the inflammation of the larynx?

A. There is not a single solitary thing in that mixture that does not serve a useful purpose, so far as I can judge from its make-up, and everything in there seems to have been worked out with a nicety. Since I have learned how long this stuff has been used, that is quite amazing to me. I think it is an unusually nice preparation; and I am particularly pleased to see lard used as a base, because most people use petroleum, which is the basis of Vick's, and lard is the best emollient we have. You have gone all over various substances which have in them thyme; and of course so far as whooping cough is concerned, I do not believe anybody in New York City at least has not used or uses mixtures for whooping cough, diatussin pertussin, and both of these are extracts from thyme or oil of origanum; so nobody claims that thyme is a specific for whooping cough; but so far as anybody can judge, it will serve a very useful purpose, and I have been absolutely amazed at some cases that were very much helped.

"Doctor Mullins, another expert, confirms the views expressed by Doctors Shaw and Schroeder and testified that he has used this product in his own family, and on his own children for fourteen years and that in his opinion, 'Its use shortens the course of some of the respiratory diseases,' and that 'It might shorten the course even of pneumonia by using the per cent of thyme oil, being a respiratory antiseptic; by its carminative action and the sterling effect of the camphor.'

"In addition to all this a number of nurses testified to its use over a period of years with successful results.

"I see no merit in the attack on the trade name. There is nothing misleading about it. The title is 'Lee's Save the Baby.' Its use is not limited to babies. Reading the labels and circulars and directions it is clear that the remedy is equally beneficial for adults as for children or babies. The descriptive matter says so. Its use is recommended for any person young or old who may be afflicted with any of the diseases of the respiratory tract. The picture on the label and the carton offend no Federal statute. While it is true that the mere fact of trade mark does not take the product out of the operation of the act, nevertheless, when it appears that the product does not in any way violate any of the provisions of the statute, the rights of the owners of the trade mark must have consideration and they may not be deprived of their property rights in order to meet some untenable position taken by some one in authority to whom is delegated the power to invoke the aid of the statute.

"In conclusion we revert to the allegations of the libel. They charge that there is a misbranding in that this article 'contains no ingredient or combination of ingredients capable of producing the effects claimed, and that the same were applied to the said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of the purchasers thereof, the impression and belief, that the article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective in the diseases and conditions named therein.'

"The Government has failed to prove that the allegations of its libel are true. On the other hand the evidence abundantly shows that every ingredient

in this mixture has some therapeutic or curative value in connection with the treatment or mitigation of the ailments and diseases in which the use of this remedy is indicated or recommended on the label and in the circular contained within the package. Nor is there proof that the package or circular contains any statement, design, or device regarding the curative or therapeutic effect either of the compound itself or any ingredients therein contained which is false or fraudulent. As the name is distinctive and not descriptive it does not offend the statute.

"While not exactly in point, the opinion written by Judge Denison, speaking for the Circuit Court of Appeals of the Sixth Circuit in *Raladam Co. v. Federal Trade Commission*, decided June 28, 1930, is interesting and bears out in a general way the argument herein advanced and the conclusions reached.

"The libel is dismissed and the seized goods are ordered returned.

"Submit decree accordingly.

On February 21, 1931, a decree was entered by the court ordering the libel dismissed. On April 19, 1931, the court made the following findings of fact and conclusions of law (Thomas, J.):

"After filing the opinion deciding this case adversely to the plaintiff both sides submitted requests for Special Findings of Fact and Conclusions of Law in accordance with the new Admiralty Rule 46½.

"On February 6, 1931, this court filed a Memorandum of Decision denying the requests for Special Findings of Fact and Conclusions of Law for the reasons therein stated.

"While this court was sitting in New York City in March, 1931, counsel for the Government, together with Special Counsel for the Department of Agriculture, appeared *ex parte*, before the court and strenuously urged that this court file Special Findings of Fact and Conclusions of Law because of the importance of the case and assured the court at that hearing, that the plaintiff intended in good faith to appeal to the Circuit Court of Appeals from the decision of this court handed down on October 17, 1930.

"Therefore the court has consented to file Special Findings of Fact and Conclusions of Law and they are as follows:

"1. That the subject matter of this proceeding is a number of bottles of a preparation known as 'Lee's Save The Baby,' which is a mixture or compound manufactured, sold, and distributed by William W. Lee & Co., a copartnership composed of Samuel C. Ulcher and Carrie L. Ulcher, residing and doing business in Watervliet, Albany County, N. Y., all of whom intervened as claimant of the seized goods and defended against the libel.

"2. That said bottles were, on or about the 15th day of January, 1929, shipped by William W. Lee & Co., from Troy, State of New York, to New Haven, State of Connecticut, and while they remained unsold and in the original unbroken packages in the possession of the Charles W. Whittlesey Co., at New Haven, Conn., 31½ dozen small size bottles and 12½ dozen large size bottles were seized by the United States marshal pursuant to a libel filed by the United States of America and process duly issued out of this court.

"3. That the preparation or substance contained in said bottles, seized as aforesaid, consisted of the following ingredients in the following proportions: Lard, (approximately 70 per cent), alcohol (approximately 6 per cent), Canada balsam (approximately 10 per cent), volatile oils including camphor, oil of rosemary, and oil of origanum (approximately 15 per cent).

"4. This product is packed, sold, and shipped in interstate commerce in bottles to which is affixed a label composed of two printed sheets. The front sheet of the label reads: 'Lee's Save The Baby. Reg'd U. S. Patent Office. Trade Mark. Contains 8% Alcohol U. S. P.—Size. Copyright 1914 by William W. Lee & Co. N. Y. C. R. No. 297, Troy, N. Y., and this sheet of the label also contains the facsimile signature of William W. Lee, together with a picture of a woman with a baby in her arms.

"The rear sheet of the label on the bottle reads as follows: 'Diréctions. For croup, apply with the hand, or better, by saturating a flannel cloth and laying it over the throat and chest; also apply over the nose. In severe cases, where relief does not follow in half an hour, give a half teaspoonful internally every half hour. For snuffles, apply over the nose. For sore throat, apply on the throat; also take one-half a teaspoonful internally. For Coughs and colds apply on the chest, also take one teaspoon morning and night. For ague in breast, apply to the parts affected. Shake well before using, and keep in a warm place, as it solidifies when cold. In all cases apply hot.'

"5. This bottle is wrapped in a circular containing directions for use of the mixture or compound in English as well as in six foreign languages, and reads as follows: 'Lee's Save The Baby' Reg'd U. S. Patent Office Trade Mark For Croup, Colds, Coughs, Tonsilitis, Bronchitis, Snuffles, Sore Throat and similar ailments. [Facsimile signature of William W. Lee, together with a picture of a woman with a child in her arms]. * * * Dear Parent: What Mother or Father has not been alarmed when awakened in the night by the childish cry of pain and the dread sound of croup? Or who of us has not shuddered when whooping cough, pneumonia or a hard cold has racked our children with pain and coughing spasms. It was because of a child's suffering that 'Save The Baby' came into being more than fifty years ago. In a village near Troy, N. Y., a wee girl lay seriously sick with croup. The doctor, who had done his best to relieve her, had given up hope for her recovery. The father, Mr. William W. Lee, refused to admit defeat. In desperation, he administered a remedy of his own compounding * * * the doctor on his morning call to his surprise found a happy child completely out of danger. This physician prescribed the remedy for both children and adults in other cases, always with gratifying results. Soon its reputation spread through the community. Neighbors came repeatedly to Mr. Lee for 'some of that medicine to save the baby.' He gave it freely to all comers. Soon it became necessary to mix it in larger quantities to supply the demand. In a short time the calls became so many and from such distant points that Mr. Lee made up a quantity and bottled it, placing it in a few drug stores in convenient locations. The bottles bore only a handwritten label with just the words 'Save The Baby,' for by that name it had come to be known. Such was the beginning of 'Save The Baby.' By sheer force of merit alone, just by one mother telling another, has the business grown so that thousands of bottles are used each year by mothers to help their suffering children. 'Save The Baby' is now sold in every state of the Union and exported to foreign countries. The voluntary testimonials Mr. William W. Lee received during his life, and which the present manufacturers (his children) continue to receive, fully warrant us in recommending 'Save The Baby' for use in cases of colds, croup, 'snuffles,' tonsilitis, bronchitis, sore throat and all similar ailments in children and adults. 'Save The Baby' always has been a family product. For more than half a century it has been compounded and still is being made by members of Mr. Lee's family from his original formula, the ingredients are simple and the purest and best money can buy. 'Save The Baby' is harmless. It can be used externally and internally. Use It Freely And Use It Hot. The results will be beneficial. For Adults—'Save The Baby' works just as fast and with as good results for adults as it does for children. The quick relief given in coughs, colds, bronchitis, pneumonia and other congested conditions of the head, throat, or lungs often seem miraculous. Use it freely as directed and always Use It Hot. Directions for use. Shake well before using and keep in a warm place as 'Save The Baby' solidifies when cold. This does not impair it but 'Save The Baby' is most effective when used Hot. For Croup: Heat a flannel cloth, saturate it with hot 'Save The Baby' and lay over throat and chest or rub the remedy in with the hand. Also apply over nose and back. In severe cases, where relief does not follow in half an hour, give a half teaspoonful internally every half hour. Keep patient warm and away from drafts. For Snuffles: Apply over nose and sniff a little into nostrils. For Coughs and Colds: Apply on chest and throat; also take one teaspoonful morning and night. Influenza, Grippe and Pneumonia: For these serious illnesses it is wise to call a doctor as soon as possible. Pending his arrival use 'Save The Baby.' Heat a flannel cloth, saturate it with hot 'Save The Baby,' and lay over chest and back, or rub the hot remedy in by hand. In severe cases give a half teaspoonful internally every half hour. Keep patient warm and protected from drafts. After doctor arrives use 'Save The Baby' as directed by him. For Sore Throat and Tonsilitis: Apply on the throat and along the cord that runs from behind the ear down the neck; also take one half teaspoonful internally. Take from one half to one teaspoonful internally for all chest congestions and gathering of phlegm. Keep a bottle of 'Save The Baby' handy for emergencies. Use it freely and use it Hot. Made only by William W. Lee & Company, Troy, N. Y. For Sale at All Retail Drug and Country Stores. Small Size, 35 Cents Per Bottle. Large Size, 70 Cents Per Bottle. The 70¢-size is more economical to buy, as it contains $2\frac{1}{2}$ times as much as the

35¢-size. Beware of Imitations: The genuine 'Save The Baby' is always sold in bottles with labels bearing the facsimile signature of William W. Lee across the face. Accept No Substitute. Any infringement of the copyrighted label or our trade mark will be vigorously prosecuted. Contains 8 Per Cent Alcohol By Volume As a Solvent and Preservative.'

"6. The bottle is wrapped in the circular and packed in a carton upon the front panel of which appears a facsimile of the front label on the bottle.

"On the left side panel of the carton the following words appear: 'For Croup, Snuffles, Colds, Coughs and Sore Throat. Frequently Used in Cases of Grippe, Bronchitis, Laryngitis, Tonsillitis, Pneumonia, Etc. Absolutely Safe for Children and Adults.'

"On the right side panel of the carton the following words appear: 'The Genuine "Save The Baby" Bears the Facsimile Signature of William W. Lee across the face of the label. Accept no substitutes.'

"The rear panel of the carton bears a facsimile of the label described above, with the following words: 'Established 1875. An invaluable Croup Mixture made of Pure Simple Ingredients. Can be used Internally or Externally. Use it Hot.'

"The top panel of the carton bears the words: 'Save The Baby. For Children and Adults.'

"The bottom panel bears the words: 'Announcement. We knew of no way to improve "Save The Baby" itself, but we have adopted this new form of packing to make our package more attractive, and for the convenience of our dealers. Wm. W. Lee & Co.'

"7. The single bottles containing the mixture or compound after being packed in the circular and carton just described, are placed in larger cartons containing 1 dozen bottles each, and the four side panels of this container read: 'One Dozen Lee's Save The Baby. For Croup, Coughs, Colds, Etc. William W. Lee & Company, Troy, N. Y. Large Size [or 'Small Size,' as the case may be].'

"8. The cartons containing a dozen bottles are then inclosed in a larger carton, the front and rear panels of which read as follows: '12 Dozen Large Size [or 'Small Size,' as the case may be], Save The Baby, Manfd. By Wm. W. Lee & Co., Troy, N. Y.'

"One side panel reads: 'Glass, Handle With Care.'

"The other side panel reads: 'Samson Sixty Five. Buffalo Box Factory, Buffalo, N. Y. Certificate of Box Maker. This Box Conforms to all Construction Requirements of Consolidated Freight Classification. Resistance 200 pounds per Square Inch (Bursting Test) Dimension Limit 65 inches. Gross weight Limit 65 pounds. This Box exceeds 250 lbs. test!'

"9. The name 'Lee's Save The Baby' is and has been registered and copyrighted in the United States Patent Office for many years last past, and that trade mark and trade name is a property right belonging to these claimants.

"10. The mixture or compound itself is an article of drugs within the purview of the food and drugs act, and all the ingredients contained in it have some curative and therapeutic effect in the treatment or mitigation of the diseases and ailments mentioned on the label and on the carton or cartons and in the circular wherein the product is packed for shipment and sale.

"11. The labels on the bottle itself, the circular wherein it is wrapped, and the cartons wherein it is packed, and shipped, contain no statement, design, or device regarding the curative or therapeutic effect either of the compound itself or any ingredient therein contained, which is false or fraudulent.

"Conclusions of law. 1. The product contained in the bottles seized as aforesaid is a drug within the meaning of the act of Congress of June 30, 1906, as amended by the act of August 23, 1912.

"2. The bottles seized in this proceeding are not misbranded within the purview of the act of Congress mentioned in paragraph 1.

"3. The name 'Lee's Save The Baby' is a distinctive and not a descriptive name and offends no Federal statute.

"4. The statements appearing on the carton, bottle label, and circular accompanying each of the bottles of 'Save The Baby,' seized as aforesaid, concerning the curative or therapeutic effect of the article, are not false and fraudulent within the meaning of the act of Congress of June 30, 1906, known as the food and drugs act, as amended by the act of August 23, 1912.

"5. The libel is dismissed and the seized goods are ordered returned to the claimant."

No appeal having been perfected by the Government, the case is now closed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18654. Misbranding of Anti-Rheumin. U. S. v. 6 Dozen Packages of Anti-Rheumin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26150. I. S. No. 28190. S. No. 4443.)

Examination of a drug product, known as Anti-Rheumin, showed that the article contained acetphenetidin, a derivative of acetanilid, and that the label failed to bear a statement of the quantity or proportion of acetphenetidin contained in the article. Examination also showed that the labeling bore certain statements representing that the article possessed curative and therapeutic properties which it did not possess.

On April 2, 1931, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six dozen packages of Anti-Rheumin, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Volz Co., Erie, Pa., alleging that the article had been shipped from Erie, Pa., on or about March 11, 1931, and had been transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained acetanilid, acetphenetidin, salicylic acid (1.5 grains per capsule), and ground plant drugs including rhubarb.

It was alleged in the libel that the article was misbranded in that the packages failed to bear a statement on the label of the quantity or proportion of acetphenetidin, an acetanilid derivative, which was contained in the said article. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Counter display box) "Anti-Rheumin Quick Relief Rheumatic Pains, Stiffness, Swellings, Congestions. * * * For treatment of Rheumatism, Arthritis, Sciatica, Lumbago, Gout. * * * Its purpose is to drive the injurious acids and poisonous elements from the system thus relieving the rheumatic pains;" (box) "Lumbago, Gout, Arthritis, Sciatica, Rheumatism, * * * Positively relieves Rheumatic Pains and Stiffness;" (circular) "Anti-Rheumin Rheumatism, Arthritis, Sciatica, Lumbago, Gout * * * Anti-Rheumin is a scientifically compounded remedy especially made for the treatment of Rheumatism, Arthritis, Sciatica, Lumbago and Gout. * * * How does Anti-Rheumin Work? This remedy is intended to dissolve the deposits of Uric acid and Nitrogen in the organism, especially in the joints, and removes them from the system. It also reduces the swelling of the joints and the stiffness of the muscles, because of the fact that congestions of the blood are removed. Therefore, it must necessarily stop pain connected with Rheumatism and its correlated diseases. Anti-Rheumin has a distinct cleansing quality which acts favorably upon the fluids of the stomach, kidneys, and bladder. It also purifies the blood and thereby removes the acidity which is one of the fundamental causes of Rheumatic Ailments. * * * Directions for the Use of Anti-Rheumin. * * * [Testimonials] I had been crippled for about five months. After taking six of your capsules I got relief. And I am now working sixty hours per week, on a concrete floor, and never felt better in my life. * * * Results achieved through the use of Anti-Rheumin were marvelous. The pain disappeared entirely after six doses and I have not been troubled since. * * * Have been suffering dreadfully for over 3 weeks, with rheumatism, and after having four doctors, got no relief, until taking these powders and after 48 hours got relief, and after 10 days got cured. * * * After taking it three days, it seems to me as a miracle of God the way I feel in my joints. The tendons in my arms still hurt me a little, but thank goodness, I can move them over and back without pain or without hearing the cracking in my joints. * * * I had rheumatism so bad, that the doctors gave me up on account they could not stop my pain. I took Morphine pills but they did not take effect. I took the first dose (Anti-Rheumin) at 12 o'clock and at 2 I had relief. Took one after supper, slept 8 hours * * * I am feeling well and ready to take up my work again * * * I suffered for a week with rheumatism in my back so that I had to hire a man to carry my case. Every time I moved the pain was so severe that I thought I could not stand it. * * * I took just six capsules and the pain was practically gone in one day."

On May 18, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18655. Misbranding of Dr. Warner's white wine and tar syrup compound. U. S. v. 5½ Dozen Small-Sized Bottles, et al., of Dr. Warner's White Wine Tar Syrup Compound. Default decree of condemnation and destruction. (F. & D. No. 26187. I. S. No. 26327. S. No. 4482.)

Examination of a drug product, known as Dr. Warner's white wine and tar syrup compound, having shown that the bottle label and carton and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Southern District of Indiana the shipment herein described, involving a quantity of the product located at Indianapolis, Ind.

On April 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5½ dozen small-sized bottles and 4½ dozen large-sized bottles of the said Dr. Warner's white wine and tar syrup compound, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the C. D. Warner Co., from Coldwater, Mich., September 16, 1930, and had been transported from the State of Michigan into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of tar, anise oil, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For Coughs * * * and Diseases of the Throat and Lungs;" (carton) "For Affections of the Lungs and Throat such as Asthma, Bronchitis, Coughs * * * La Grippe, Whooping Cough, Pain or Oppression of the Chest and Sore Throat;" (circular) "A Remedy that can be successfully Employed in the Treatment of Coughs, Influenza, Asthma, Whooping Cough, * * * Catarrh, Croup, Bronchitis, and Difficult Breathing. * * * A Remedy that can be successfully employed in the treatment of Coughs, * * * Tightness of the Chest and Kindred Diseases. * * * Has No Equal for La Grippe. No remedy equals Warner's White Wine and Tar Syrup Compound for this terrible and fatal disease. If taken thoroughly and in time, it will relieve a case in 48 hours, and for the cough that follows La Grippe, it never fails to give relief. * * * [Testimonials] My oldest daughter suffered months with a severe cough. My baby had the croup. After trying many remedies, we used Warner's White Wine and Tar Syrup Compound. Both are restored to good health. * * * had a sore throat and tickling in her throat that kept her coughing night after night. She used Warner's White Wine and Tar Syrup Compound and has not lost a night's sleep since. * * * Child's Life Was Saved. * * * My little girl caught a cold that lasted over a year. We employed three doctors, none could help her. She got so weak she could not stand. We used Warner's White Wine and Tar Syrup Compound. It restored her to good health. Millions of such. * * * Typhoid fever left me with a serious trouble with my throat and lungs. Dr. Warner's White Wine and Tar Syrup Compound relieved me and am now well. * * * My wife was troubled with weak lungs. The disease was far advanced. She has taken four bottles of Warner's White Wine and Tar Syrup Compound and is nearly well. * * * I have used Dr. Warner's White Wine and Tar Syrup Compound for sore throat, coughs, colds and weak lungs. It surpasses all other remedies I have ever tried. * * * Speedy relief for throat and lung diseases. * * * I speak from my own experience; I think it has twice saved my life when suffering from a disease of the throat and lungs. It relieved my neighbor, Mr. Doves, of asthma, that had afflicted him for thirty years. * * * Our little 6-year-old daughter had a very sore throat, badly ulcerated, and coughed almost incessantly. Gave the White Wine and Tar Syrup Compound according to directions and she began to improve immediately and soon got well * * * My children were afflicted with a cough resulting from measles, my wife with a cough that had prevented her from sleeping, more or less, for five years, and your White Wine and Tar Syrup Compound has done the good work."

On June 27, 1931, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18656. Misbranding of K-K-K Keyser's "Pink" Kold Kapsules. U. S. v. 2 Dozen Packages of K-K-K Keyser's "Pink" Kold Kapsules. Default decree of condemnation and destruction. (F. & D. No. 26177. I. S. No. 28270. S. No 4445.)

Examination of a drug product, known as Keyser's "Pink" Kold Kapsules, from the shipment herein described having shown that the carton, circular, and display card bore statements representing that the article possessed curative or therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On April 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two dozen packages of K-K-K Keyser's "Pink" Kold Kapsules at Johnstown, Pa., alleging that the article had been shipped by the Keyser Chemical Co. (Inc.), Roanoke, Va., on or about March 6, 1931, and had been transported from the State of Virginia into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained salol, quinine sulphate, camphor, powdered ginger, powdered capsicum, and aloin.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent: (Retail carton) "Keyser's 'Pink' Kold Kapsules for * * * La Grippe;" (circular) "Keyser's 'Pink' Kold Kapsules * * * They * * * act on the liver thereby arousing the secretions to action and relieving congestion;" (display card in shipping container) "For Influenza, La Grippe * * * Etc. take Keyser's 'Pink' Kold Kapsules."

On June 5, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18657. Adulteration and misbranding of Gold Bond Sterilseptic toilet powder. U. S. v. 139 Packages of Gold Bond Sterilseptic Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26272. I. S. No. 29220. S. No. 4578.)

Examination of a drug product, known as Gold Bond Sterilseptic toilet powder, from the shipment herein described having shown that the article was represented to be antiseptic, whereas it was not, also that the labeling contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and on May 25, 1931, an amended libel, praying seizure and condemnation of 139 packages of Gold Bond Sterilseptic toilet powder, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Gold Bond Sterilizing Powder Co., Fairhaven, Mass., on or about March 19, 1931, and had been transported from the State of Massachusetts into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of talc and boric acid, with small proportions of volatile oils including eucalyptol and methyl salicylate. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel as amended that the article was adulterated in that it fell below the professed standard of "antiseptic," under which it was sold.

Misbranding was alleged for the reason that the following statements appearing on the carton and can labels and in the circulars, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it con-

tained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular on top of cartons in shipping package) "Gold Bond Sterilseptic Healing Toilet Powder is indispensable in the treatment of all skin afflictions, * * * cuts * * * for hospital use in treating Bed Sores, Eczema * * * Varicose Veins, * * * the most effective treatment in the prevention and healing of all skin irritations to which the baby is subject * * * it * * * heals and sterilizes the human skin and membranes, * * * renders the skin free from bacteria. * * * To prevent and counteract * * * pyorrhea, brush the teeth vigorously with Gold Bond Powder, and use it in a solution as a mouth wash and gargle;" (carton) "Hives, eczema, bed sores, chicken pox, measles, scarlet fever, pimples * * * is a Superior Healing Powder;" (can) "Hives, Eczema, Bed Sores, Chicken Pox, Measles, Scarlet Fever, Pimples * * * Cuts;" (circular) "Healing Toilet Powder. A scientifically prepared healing powder, * * * Gold Bond Sterilseptic Healing Toilet Powder is especially recommended for the relief of infant skin irritations such as Stomach, Teething and Diaper Rash, * * * Good skin, health, happiness and beauty usually is the reward for all who use it. * * * For the nursery it stands pre-eminent, giving instant relief to children suffering from skin troubles peculiar to the young, and should be used liberally on all parts of the body as a preventive against contagious diseases. This powder is prescribed by leading physicians all over the country for hives, eczema, salt rheum, scrofula, * * * chicken pox, measles and scarlet fever, * * * tetter, cuts, scratches, * * * For Leucorrhoea—The muco-purulent discharge from the vagina and the uterine cavity, commonly called 'whites,' Gold Bond Sterilseptic Healing Toilet Powder dusted thoroughly about and over the inflamed surfaces of the affected parts will aid in relieving the burning irritation and in healing the inflamed and tender skin and absorb the adherent moisture. * * * allays all irritation, removes and prevents pimples, blackheads, freckles, moth-patches, * * * purifies * * * the skin, * * * recognized for twenty years by doctors, nurses and mothers as the most effective treatment in the prevention and healing of all skin irritations to which the baby is subject. It is equally effective in deodorizing and sterilizing the human skin and membranes and being unlike anything else in formula and healing character it performs the seemingly impossible. * * * Gold Bond Sterilseptic Powder * * * is beneficial for your teeth and gums. * * * Sterilseptic—stands for * * * That which is Healing."

The following statements appearing in the labeling, which this department deemed to be false and misleading, were also charged in the libel, as amended, to be false and fraudulent: (Carton) "Is recognized by the Nation's leading Physicians and Surgeons as the World's Standard Antiseptic Toilet Powder;" (can) "Antiseptic * * * Guaranteed by Gold Bond Sterilizing Powder Co. Under the Food and Drugs Act, June 30, 1906, Serial No. 26132;" (circular) "Sterilseptic Healing Toilet Powder * * * is the only * * * antiseptic healing toilet powder known to medical science. * * * its antiseptic healing properties render it invaluable * * * the cleansing antiseptics in this wonderful powder, * * * Gold Bond Sterilseptic Healing Toilet Powder as it tends to destroy parasitical germ life, * * * by combination of the best antiseptics, * * * Sterilseptic—Stands for * * * Antiseptic."

On July 15, 1931, the Gold Bond Sterilizing Powder Co. (Inc.), Fairhaven, Mass., having filed a claim and stipulation for costs, and said claimant having defaulted in filing its answer to the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed and that costs be taxed against claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18658. Misbranding of Dr. Woolley's bronchial and lung ointment. U. S. v. 45 Small-Sized Boxes, et al., of Dr. Woolley's Bronchial and Lung Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26243. I. S. No. 11749. S. No. 4525.)

Examination of a drug product, known as Dr. Woolley's bronchial and lung ointment, from the shipment herein described having shown that the jar label and the accompanying circulars contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On April 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 small-sized boxes and 36 large-sized boxes of Dr. Woolley's bronchial and lung ointment, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the John T. Woolley Remedy Co., Wabash, Ind., alleging that the article had been shipped from Wabash, Ind., on or about March 7, 1931, and had been transported from the State of Indiana into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils (8.4 per cent), such as turpentine oil, mustard oil, sassafras oil, and garlic oil, incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar label) "Bronchial & Lung Ointment. This Ointment is not only a sure relief for * * * Bronchitis, Pneumonia, Asthma, Quinsy, Pleurisy, Croup, Sore Throat, Tonsillitis, but will promptly arrest pain or soreness in side, back or any part of the body. First application acts like magic * * * Directions:—Applied freely at bedtime * * * is used at once when persons realize that they have taken a heavy cold and the lungs begin to pain. * * * Excellent for headaches, catarrh, deafness, stiff neck, rheumatic pains, swollen joints, sprains and bruises, etc.;" (small circular) "Save Your Lungs! From Acute Colds With * * * Bronchial and Lung Ointment. First application acts like magic. * * * Relief for bronchitis, pneumonia, asthma, quinsy, pleurisy, croup, sore throat, tonsillitis, or pain or soreness in any part of the body. It eases the pain of bunions * * * chilblains and corns speedily and surely. For swollen joints caused by rheumatism there is no more sure relief;" (large circular) "Bronchial and Lung Ointment, * * * Relief of * * * Pains in the Lungs and Chest * * * The Bronchial and Lung Ointment, if used as directed, will promptly arrest any Bronchial Irritation Resulting from cold. When a person * * * is threatened with Pneumonia or Lung Fever, if they will apply the Ointment freely at bed time, or, in a severe case, night and morning, covering the chest with a hot flannel cloth after bathing the chest freely, front and back, it will promptly arrest the disease. This Ointment is not only a sure remedy for * * * Bronchitis, Pneumonia, Asthma, Quinsy, Pleurisy, Croup, Sore Throat, Tonsillitis, but will promptly arrest pain or soreness in side, back or any part of the body. First application acts like magic * * * For Children * * * suffering with heavy * * * sore throat and croup, and the lungs are stuffed up so they can hardly breathe, use the Ointment two or three times and they are relieved. * * * Bronchial Or Universal Ointment, having been fully tried and recommended for Eczema, Tetter, Itching Scalp, Dandruff, and is a tonic and a stimulant for the scalp and promotes the growth of the hair. * * * Ring Worm * * * Itching Piles, Deafness, * * * It eases the pain of bunions, * * * chilblains and corns speedily and surely. For swollen joints caused by rheumatism there is no more sure relief. Also for varicose veins where skin is not broken."

On July 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18659. Adulteration and misbranding of fluid extract of ergot. U. S. v. Sixty 1-Pint Bottles of Fluid Extract Ergot. Consent decree of condemnation and forfeiture. Product released under bond, and destroyed. (F. & D. No. 26253. I. S. No. 22056. S. No. 4589.)

Examination of samples of fluid extract of ergot having shown that the article had a potency of about two-fifths of that required by the United States Pharmacopoeia for fluid extract of ergot, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On April 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of sixty 1-pint bottles of fluid extract of ergot, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Upjohn Co., from Kalamazoo, Mich., on or about February 27,

1931, and had been transported from the State of Michigan into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fluid Extract Ergot. U. S. P. X."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Ergot U. S. P. X.," was false and misleading.

On June 6, 1931, the Upjohn Co., Kalamazoo, Mich., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered by consent of the claimant, condemning and forfeiting the product to the United States. The decree provided that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be made to conform to the Federal food and drugs act, under the supervision of this department, and that it should not be sold or disposed of contrary to the provisions of the law. The claimant, however, elected to destroy the product, which was done in the presence of a representative of this department on July 17, 1931.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18660. Misbranding of Dr. Ward's Liniment. U. S. v. 10 Dozen Small-Sized Bottles, et al., of Dr. Ward's Liniment. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25514, 25515. I. S. Nos. 625, 692. S. Nos. 3766, 3767.)

Examination of a sample of Dr. Ward's liniment from the shipments herein described having shown that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On December 23 and December 26, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 174 small-sized bottles, 36 medium-sized bottles, and 4 large-sized bottles of Dr. Ward's liniment, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Dr. Ward's Medical Co., from Winona, Minn., alleging that the article had been shipped from Winona, Minn., in part on or about August 18, 1930, and in part on or about September 17, 1930, and had been transported from the State of Minnesota into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including capsicum and sassafras, small proportions of volatile oils including camphor, soap, alcohol, and water, colored red.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, all sizes, and carton, 2-ounce size) "For internal Use in Cases of Cholera Morbus, Diarrhoea, Dysentery, Ordinary Colic, Chills and Ague, Ordinary Sore Throat, * * * etc. For External Use in Cases of * * * Swellings, Chillblains, * * * Muscular Rheumatism, Etc.;" (bottle label, 4-ounce and 12-ounce sizes, and carton, 2-ounce size) "Sweeny and Colic;" (carton, 2-ounce size, and portion of cartons, 12-ounce size) "Used as an antidote for Alkali water, for Excessive thirst, and for all troubles emanating from changing and drinking bad water; also for troubles caused by eating unripe fruit and for all poisons emanating from decay and putrefaction;" (circular, all three sizes) "Aches * * * Cholera Morbus * * * Diarrhoea—Take * * * Dr Ward's Celebrated Liniment. * * * This will usually check the disease. * * * for colic in horses and scours in calves. Chronic Inflammation of the Stomach—Take Dr. Ward's Celebrated Liniment * * * Ordinary Colic—Take * * * Dr. Ward's Celebrated Liniment * * * until relieved. * * * Ordinary Coughs * * * Cramps * * * I was taken with severe pains in the back of my neck. When writing a letter or doing anything which required me to hold my head in a stooped position for a few moments

it took me half an hour to get my head straightened, and the pain was something awful. * * * a friend advised me to try Dr. Ward's Liniment. I did so, and after using two bottles, was entirely relieved and have not had a touch of it since. * * * Ordinary Sore Throat—Take * * * Dr. Ward's Celebrated Liniment. * * * Use * * * as a gargle and take * * * every hour until relieved. * * * I have tried it for sore throats * * * it is my ready and reliable remedy * * * Dysentery—Take * * * Dr. Ward's Celebrated Liniment * * * Earache—Wet a small piece of cotton with Dr. Ward's Celebrated Liniment and place in the ear. * * * Piles—Take equal parts of Liniment and thick cream, mix them well together, then apply it four or five times a day, rubbing it thoroughly. You must not expect relief from Piles in a day, as it often takes a week or more to get results. * * * for rheumatic pains. * * * Rheumatic Pains—Apply as directed for Cramps. * * * Colic * * * if this does not give relief in fifteen or twenty minutes, repeat the dose. * * * I had a horse very ill with colic. I telephoned for a horse doctor but he said if I had some Ward's Liniment it was not necessary for him to come out. I gave the horse a big dose of Ward's Liniment and in ten minutes he was well again. * * * Coughs and Colds * * * If you doubt what is said about Dr. Ward's Liniment, try it on a sick horse or on any domestic animal; * * * Scour—Give a good liberal drench and follow by adding one teaspoonful of Liniment in the feed of oats at each meal until cured. * * * I had a mare that got the scour. I gave her one dose of Ward's Liniment as a drench and the next day I gave her one tablespoonful of some oats. In a couple of days she was as well as ever. I told one of my neighbors about it and in about ten days he sent his boy over to get some Liniment for a horse that had the scour. We gave it a couple of doses and the cure was sure. * * * Swollen Joints or Muscles—Bathe thoroughly with the Liniment three times a day until swelling is reduced. * * * For colic in horses it has no equal * * * Sweeny * * * I cured several very bad cases of bloat in cows and also cured two colts of colic and scour. * * * I believe it is the best liniment in the world for colic in horses and for clover bloat in cattle."

On July 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18661. Misbranding of Jones' liniment. U. S. v. 101 Bottles, Small Size, et al., of Jones' Liniment. Default decrees of condemnation and destruction. (F. & D. Nos. 26067, 26274. I. S. Nos. 28260, 28261, 28306, 28307. S. Nos. 4295, 4579.)

Examination of samples of the drug product Jones' liniment having shown that the bottle and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Western District of Pennsylvania the interstate shipments herein described, involving quantities of the product located at Pittsburgh, Pa.

On March 21 and April 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 179 bottles, small size, and 82 bottles, large size, of Jones' liniment, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in part by the M. Spiegel Medicine Co., Albany, N. Y., on or about March 28 and November 21, 1930, and in part by M. Spiegel & Sons (Inc.), Albany, N. Y., on or about March 28, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petroleum distillate such as gasoline, methyl salicylate, pine-tar oil, camphor oil, and capsicum oleoresin.

Misbranding was alleged in the libel filed with respect to a portion of the product for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Large carton) "For Rheumatic Pains, Neuralgia, Sore Throat and Quinsy, Headache (Nervous) * * * Backache * * * Lameness, Chilblains * * * It is good for Rheumatism, Lumbago,

Neuralgia, Colic and Cramps, Headache, Earache, Cold in the Chest and Lungs, * * * Gout, Sore Throat * * * Aching Feet, Inflammation * * * A pain killer that will relieve these afflictions is an absolute necessity to everybody. It is the best safeguard against suffering from Accidents * * * If after using it a few times the pains are still lingering, apply to the affected part a cloth wrung out in hot water and afterwards the Liniment is applied until relief is experienced;" (small carton) "For Rheumatic Pains, Neuralgia, Sore Throat and Quinsy, Headache (Nervous) * * * Backache, * * * Lameness, Chilblains * * * It is good for Rheumatism, Lumbago, Neuralgia, Colic and Cramps, Headache, Earache, Cold in the Chest and Lungs * * * Gout, Sore Throat, * * * Aching Feet, Inflammation * * * A pain killer that will relieve these afflictions is an absolute necessity to everybody. It is the best safeguard against suffering from Accidents. * * * Quick relief will be obtained by binding with a cloth or flannel. In severe cases the liniment should be rubbed;" (large bottle) "For the treatment of Rheumatism, Neuralgia, Headache, Backache * * * Lameness, Bunions, Coughs, Colic and all bodily pains. * * * This Liniment is used for strengthening weak back or limbs, and healing bodily pains and inflammations. * * * In protracted pains a cloth moistened with the Liniment may be applied until relief is experienced;" (small bottle) "For the treatment of Rheumatism, Neuralgia, Headache, Backache * * * Lameness, Bunions, Chilblains, Colic and all Bodily Pains. * * * This liniment is used for strengthening weak back or limbs, and healing bodily pains and inflammations. * * * In protracted pains a cloth moistened with the Liniment may be applied until relief is experienced;" (circular accompanying both sizes) "For Rheumatic and other pains in the joints, lower limbs or hips, apply Jones' Liniment * * * Apply a cloth saturated with the Liniment to reduce inflammation and swelling. * * * For Backache, pains in the sides, shoulders, stiff neck and joints, apply the Liniment * * * For Neuralgia in the head, keep the temples bound up with a linen cloth saturated with Jones Liniment, and apply it to the back of the neck and ears. * * * For Nervous Headache, apply Jones' Liniment to the forehead, back of the neck, behind the ears, and inhale the fumes. For Sciatica, * * * For Sore Throat and Quinsy * * * For Earache * * * For * * * Swellings * * * For Pains in Chest and Lungs * * * For Bunions * * * For Corns * * * For * * * Weak Joints and Ankles * * * For Colic, Cramps, Cholera Morbus and other internal pains * * * swellings, cracked heels * * * scratches, cramps, or contraction of the muscles, sore throat, colic, distemper, epizootic * * * and other diseases that can be reached by external application * * * For the Flu, Cough * * * Bronchitis * * * will * * * relieve * * * catarrhal conditions."

The libel filed with respect to the remainder of the product quoted the curative and therapeutic claims appearing on the large carton and bottle labels, as above quoted, and charged that the article was misbranded in violation of section 8 of the act, as amended, paragraph three, the section and paragraph of the act on which the above misbranding charge is based.

On June 9 and June 23, 1931, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18662. Adulteration of fluid extract of ergot. U. S. v. 1 Gallon of Fluid Extract of Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26252. I. S. No. 24824. S. No. 4588.)

Samples of fluid extract of ergot having been found to be practically inert with regard to ergot potency, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On April 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1 gallon of the said fluid extract of ergot, remaining in the original package at St. Louis, Mo., alleging that the article had been shipped by Allaire Woodward & Co., from Peoria, Ill., on or about February 27, 1931, and had been transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article at the time of shipment was labeled in part: "Fluid Extract Ergot."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed

from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

On June 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18663. Adulteration and misbranding of Uncle Jerry's salve. U. S. v. 54 Large Boxes, et al., of Uncle Jerry's Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 26055, 26056. I. S. Nos. 14178, 14179, 14180. S. Nos. 4345, 4346.)

Examination of samples of a drug product, known as Uncle Jerry's salve, from one of the shipments herein described having shown that the article was represented to be antiseptic, whereas it was not, also that it was labeled as possessing curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On March 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 large-sized boxes and 69 small-sized boxes of Uncle Jerry's salve, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Jerry Hubbard Co., from Miami, Okla., in part on or about September 2, 1930, and in part on or about January 6, 1931, and had been transported from the State of Oklahoma into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum, linseed oil, rosin, Peru balsam, and volatile oils including cassia oil and sassafras oil. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard of "antiseptic," under which it was sold.

Misbranding was alleged for the reason that the statement on the circular, "Antiseptic—The ingredients of Car-nur-lee-yea-tee are thoroughly antiseptic * * * This Salve is * * * a good antiseptic," were false and misleading. Misbranding was alleged for the further reason that the following statements borne on the carton and box and in the circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Inflammations, Sore Throat, Neuralgia, Asthma, Catarrh, Lung Trouble, Croup, Coughs * * * Granules * * * Most ailments are cured by a free application to the parts affected * * * Eat salve for Rheumatism, Lung and Stomach Trouble;" (circular) "There is nothing better for fresh cuts caused by old Rusty Nails, etc. Asthma—Asthma is caused by an Irritation of the nerves in the throat and the oils in Uncle Jerry's Salve relieves this irritation thus giving relief. * * * Backache (See Kidney Trouble) * * * Bronchitis (Cold in the chest)—Is an inflammation in the Bronchial Tubes with sore throat and hoarseness and the oils of the Uncle Jerry's Salve will give prompt, efficient relief * * * Bunions * * * Caked Breasts * * * Carbuncles—Eat Car-nur-lee-yea-tee to purify the blood. Catarrh * * * Croup—Applications of Car-nur-lee-yea-tee to the chest and throat of the child threatened with the Croup or to one subject to it, will generally prevent it. In case of Diphtherial Croup, if a physician cannot be had promptly, get the child to eat some of the salve and also burn it on a hot stove lid and have the child breathe the fumes. * * * Congestion of Bowels—Take internally and apply externally. Consumption—Eating Car-nur-lee-yea-tee purifies the blood and reaches the lungs to a certain extent as you will find by eating that it stays on the breath for quite a while, so portions of it reaches the cells of the Lungs. The vegetable oils in Car-nur-lee-yea-tee are very healing and in time heal the sores in the lungs. Coughs (See Bronchitis, etc.) * * * Felons * * * Granulated Lids * * * Inflammation * * * Kidney Disease—Eat a piece of salve the size of the end of the little finger several times a day and apply freely to the back and heat in. Lamé Back—Apply Car-nur-lee-yea-tee and warm in. Lungs—(Congestion, etc.)—Will be relieved by the thorough application of Uncle Jerry's Salve * * * Neuralgia * * * Old Sores * * * Piles * * * Pleurisy—Eat the

salve, apply externally and warm in. Pneumonia—An inflammation of the lung tissue, begins with a severe chill, followed by a high fever, a dry, painful cough sets in and in a few days a tough dark mucus is raised which sometimes has an offensive odor. As soon as possible apply the salve to the chest and feet, warming it with hot cloths, thus starting a generous circulation * * * Rheumatism—Eat the salve several times a day and apply locally to parts affected. Roup in Chickens—Apply externally to chicken's head and force it to eat some salve several times a day. Skin Affections—Apply Car-nur-lee-yea-tee. Sore Throat—Bronchitis, Colds, etc.;" (box label) "For all Fevers, Inflammations, Sore Throat, Lungs, Headache, Piles, Catarrh, Rheumatism, Old Sores, Burns, Kidney Trouble and Croup."

On June 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18664. Adulteration and misbranding of ether. U. S. v. Thirty-two 1-Pound Cans of Ether. Default decree of destruction. (F. & D. No. 25741. I. S. No. 20846. S. No. 3975.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On January 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of thirty-two 1-pound cans of ether, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by Merck & Co., from Newark, N. J., on or about July 31, 1930, and had been transported from the State of New Jersey into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia. U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by test laid down in the said pharmacopoeia official at the time of investigation, in that it contained peroxide, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia U. S. P.," was false and misleading.

On March 24, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18665. Misbranding of Ulcicur. U. S. v. 11 Bottles, et al., of Ulcicur. Default decrees of condemnation and destruction. (F. & D. Nos. 26270, 26450. I. S. Nos. 25153, 26328. S. Nos. 4539, 4713.)

Examination of the drug product Ulcicur from the interstate shipments herein described having shown that the carton and bottle labels and accompanying circulars bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the proper United States attorneys.

On April 29, 1931, the United States attorney for the Southern District of Indiana filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 bottles of Ulcicur at Indianapolis, Ind., and on May 29, 1931, the United States attorney for the Southern District of Iowa filed in the District Court of the United States a libel praying seizure and condemnation of 4 bottles of the said Ulcicur at Iowa City, Iowa. It was alleged in the libels that the article had been shipped by the Ulcicur Co. (Inc.), from Chicago, Ill., the former on or about January 27, 1931, and the latter on or about February 7, 1931, that it had been transported from the State of Illinois into the States of Indiana and Iowa, respectively, that it remained in the original unbroken packages, and that it was misbranded in violation of the food and drugs act as amended.

Examinations of samples taken from these consignments showed that the article consisted of a liquid and a powder. The liquid was composed of extracts of plant drugs including a bitter drug such as gentian, alcohol, glycerin, sugar, and water; the powder consisted of bismuth subnitrate.

Misbranding of the article was alleged in the information for the reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Ulcicur * * * Recommended for Ulcers of the Stomach, Acidosis, Indigestion, Sour Stomach, Gastritis due to hyperacidity * * * an aid to digestion * * * The Ulcicur Treatment for ulcers of the stomach calls for dieting, rest, medication and regulation of one's habits in general. A preliminary period of bed rest or some rest is often beneficial altho the treatment is successful in the majority of cases without rest;" (bottle label) "Ulcicur * * * Recommended for Ulcers of the Stomach, Acidosis, Indigestion, Sour Stomach, Gastritis due to hyperacidity * * * an aid to digestion;" (circular) "A scientific preparation recommended for Ulcers of the Stomach, Acidosis, Indigestion, Sour Stomach, Gastritis, Upset Stomach from Alcoholic Beverages and General Stomach Disorders. * * * Directions for Taking the Ulcicur Treatment. Take Two Teaspoonfuls * * * These directions must be followed exactly to secure best results. Ulcicur should be taken after Every meal. * * * You should continue with the treatment for a reasonable length of time after all symptoms have disappeared or until you feel positively sure that all of the poisons that were responsible for your affliction are cleaned out of your system and when there is an entire absence of symptoms the medicine may gradually be given up during the day, but the night dose should be taken for a reasonable length of time. And once relief has been attained, you must remember that if you go back to old dietary habits the same trouble may develop again. * * * While taking Ulcicur for a definite case of Ulcers of the Stomach, the patient should avoid mental strain, worry and anxiety, and physical over-exertion as much as possible. In fact, where it is possible, a great deal of rest should be taken during the treatment, especially during the early course of the treatment. * * * Aches so much worse at night. Hurts through and between the shoulders. I am so miserable. Can't stand it. I had only one sore spot but last two days the whole stomach is as sore as can get. * * * X-Rays and blood test show that it is ulcer and not cancer, yet. * * * Five Days Later—Much Better * * * I Feel a little better. * * * The pain has spread all over the stomach since I started this treatment. * * * Up and Around After Six Weeks in Bed. * * * Here I am again in better spirits than ever. I was terribly discouraged with using the Ulcicur. * * * I was sick enough to die anyway. * * * I am up and around some now. * * * Dr. Stone, my husband, has loads of faith in it. * * * Fourth Letter. Gains Weight and Feels Like a Different Person. I am improving right along on Ulcicur. * * * and gained twenty pounds—getting too fat. * * * Fifth Letter. Two Months Later—So Well and Happy. * * * I was very ill with Ulcer of the duodenum and under the best specialists. I kept getting worse until I gave up to die and my friends gave me up. When I made up my mind to follow a friend's advice I ordered two bottles. At the end of the second bottle I was up in the house tho I was awfully sick for the first few days. Much worse than I had ever been. I am well and so happy. I kept it up—took I think it was eight bottles. * * * you'll note, started the Ulcicur treatment in July, at which time she was bed-ridden. Four months later she writes 'So well and happy.' What Ulcicur accomplished in this particular case bespeaks the remarkable virtue of this remedy. * * * By following these diet suggestions closely you will hasten the action of Ulcicur and shorten the time of your illness. Remember every day that you follow these suggestions, you are one day nearer to normal stomach health and the time when you can eat practically anything you like. So you can well afford to put up with temporary inconvenience and self-denial, looking forward to your eventual healing;" (booklet) "The Truth About Stomach Ulcers * * * You know of course, I owe you and 'Ulcicur' a lot. It's just about a year ago that Mrs. Eugene was down with her stomach troubles, but thanks to 'Ulcicur,' her troubles are no more. * * * She had been taken there after she had 23 hemorrhages one day that had been brought on by ulcers of the stomach. * * * Having heard of 'Ulcicur,' she was persuaded to try it, and I must confess she was very skeptical about it at first. However, after taking the first two bottles, she showed such a remarkable change for the better that she continued the treatment. * * * She eats anything and everything and with no ill effects. * * * The pains, discomforts and worries of Stomach Ul-

cers and other Stomach Ills will be lessened once you have started Ulcicur. Complaints such as Indigestion—Heart Burn—Sour or Acid Taste—Dyspepsia—Vomiting—Stomach Pains or Too Great Acidity—should be corrected at once before they have a chance to become chronic. * * * The Ulcicur Treatment—with diet—will be found most helpful in such cases. Some cases of Stomach Ulcer * * * Treatment * * * we believe a most sensible course, advocating the careful Selection and Preparation of food. Ulcicur covers the Ulcer with a Healing and Protective coating. This protective coating is not soluble in the gastric juices, so remains to protect the sore from irritation while the food is being digested. It is also highly healing and soothing to the raw and sensitive surface and brings welcome relief within a short period of time. Ulcicur also tends to overcome the excess acid condition and to promote the proper activity of the gastric glands. Ulcicur is easy to take and compared with other methods is quite inexpensive. * * * Ulcicur is intended to afford that Protection and to Heal as well as Protect. * * *

In some cases Ulcicur succeeded in bringing relief even after surgical operations had failed to stop the progress of this malady. * * * We furnish diet suggestions with every bottle of Ulcicur. * * * Diet alone is not sufficient to correct a disabled stomach. Suitable diet will give the sufferer much relief but medical treatment is necessary to effect a real change in one's condition. The Ulcicur Treatment, including diet suggestions contemplates supplying the patient with an abundance of food at all times to entirely satisfy the appetite, furnish sustenance and strength and keep the human waste replenished and furnish heat to the body. * * * Ulcicur the ideal remedy for Ulcers and other stomach disorders. * * *

I was taken sick on Labor Day, 1927, and suffered untold misery, until I was told by a friend about your medicine in July, 1929. After taking the first bottle I had more relief than I ever had before in two years. * * * I am sure feeling fine now and am gaining every day. * * * I think it is a Godsend to humanity suffering from ulcers. * * * Your medicine is sure doing me a world of good. I can eat most any old thing now, and I haven't had a vomiting spell since the first dose I took. * * * I was on a milk diet for a long time. Finally I got so bad that even a drink of water would cause vomiting spells. My normal weight was 138 pounds, got down to 106. That was my weight when we came to your office the latter part of January 1930. * * * little over four weeks, from the time I started the Ulcicur I never lost a meal. Wonderful when you stop and think of it (not one vomiting spell), and during that time I gained ten pounds. Thanks to Ulcicur and my daughter's good care. * * *

I haven't taken anything since June. I am feeling fine and have my normal weight now. * * * Two Operations Fail Ulcicur Succeeds Gains 45 Pounds * * * For twelve years I suffered. In that time I had two operations. After each I surely thought I would be well, but not so. In April 1929 I could eat nothing at all. Even milk and water caused much distress. I weighed only 108 pounds. Ex-Ray and Fluoroscope pictures showed an Ulcer as large as a half dollar. My doctor informed me that an immediate operation was necessary to save my life. * * * give Ulcicur a fair trial. Being a woman sixty-one years old I was afraid of a third operation, and having tried so many things I was willing to try one more. After taking five bottles of Ulcicur I am fine. The last bottle I took in June, 1929, fourteen months ago. I now weigh 153 pounds. I can eat meats of all kinds, in fact, anything I care to. I enjoy all my food and don't ever have bad after effects. * * *

Up until the time I started taking Ulcicur I was unable to eat hardly anything. Now I eat whatever I like. * * * Was suddenly taken ill last July. In fact, I had three hemorrhages before I realized that I had an ulcer. Had heard of your remedy from several people who claimed to have been cured. * * * I decided to give Ulcicur a trial and noticed a great improvement after the first bottle. Was entirely cured after taking seven bottles and have been back on regular diet since October 1st. * * *

It has been over a year since I stopped using Ulcicur and there has been no return of the ulcer trouble. I feel that the cure has been complete and lasting. * * * I was bothered with my stomach so at times I was forced to stay in bed for a week at a time with it. * * * friend of mine came from Chicago and told me what he had heard about Ulcicur so I started taking it. * * * My stomach hasn't bothered me since. * * * I received your package a few days ago, and it seems to be just what I need for my stomach. * * * I don't want to run out of it until I am sure of a cure. * * *

First of all I had a distress feeling after I had eaten. I

went to the doctor and he took an X-ray and said I had Ulcer and had to be careful what I ate for the rest of my life; * * * I met a friend and he told me about this Ulcicur * * * I began taking * * * and I eat everything now. * * * I have suffered about three years with stomach ulcers and have gone to so many doctors. * * * Finally a friend of mine told me about the Ulcicur and thought I'd try it, as long as I tried everything else, it wouldn't hurt me to try more. After taking about a bottle and a half I felt relieved * * * I don't think it would hurt me to eat everything, but I just got in the habit of not to. * * * I'll take Ulcicur again and will advise everyone else with stomach troubles to take it. * * * Ulcicur has made me feel fine now, it seems it just made me over. I was troubled with ulcers for about three years. * * * I heard of Ulcicur. After taking one bottle and a half I felt relieved. * * * I really feel fine now and eat mostly everything. * * * I had trouble with my stomach and my doctor diagnosed it as an ulcer of the duodenum. * * * I used Ulcicur which had been recommended to me by a friend. To make a long story short I certainly got relief with Ulcicur. In fact, it has been over a year since I stopped using same. * * * I was sure sick and the doctors told me I had Ulcers of the Stomach and needed an operation to get well. A friend of mine told me of Ulcicur and asked me to try it. I did, and it has made me a well man. * * * It is a sure cure that's all I can say for the Ulcicur. * * * Ulcer Victim Fifteen Years Now in Perfect Health. * * * I take this means of advising you or others, that having suffered for fifteen years from ulcers, was advised by friends to take your Ulcicur. On account of my case being so far gone, which caused me to be almost down from same, I took twenty-four bottles of Ulcicur and now am very happy to state I am eating all foods, and do not know when I felt so good, have gained twenty-two pounds and will personally tell anyone of your wonderful medicine. * * * I had, as you know, a bad case of ulcers of long standing and since I have been cured I have never felt the least bit of distress or any of the soreness I experienced before taking 'Ulcicur.' * * * Spent \$5,000 Seeking Relief—Finally Ulcicur Gets Results * * * Having suffered with ulcers of the stomach for a period of twelve years I spent over \$5,000 with sixteen various doctors and hospitals in Chicago. * * * After taking seven bottles I feel fine and can eat anything and sleep good. * * * For years I have been troubled with indigestion. * * * I was on a strict diet, but didn't get any better, so decided an operation was my only way to be cured. But heard of Ulcicur, and took it as a last resort and after two months I now can eat and drink anything I want. Of course, there are foods that never did agree with me and am avoiding them for a while yet. But am feeling very fit, with no distress or pain. * * * I will state that I am feeling as good as I ever felt in my life. After having Stomach Trouble for a number of years I consulted a prominent Physician and had a Fluoroscope taken. They pronounced an acute Ulceration of Stomach. * * * I could not eat any solid foods without much distress. I mentioned to a friend my condition and was advised of the Ulcicur Remedy and how it had acted on them. I immediately secured a bottle of Ulcicur and took it as near as possible according to directions and obtained almost immediate relief. * * * I have eaten nearly everything except greasy foods all through the Holidays without one pain in stomach and no sign of soreness such as my previous experience. * * * I would recommend anyone with Stomach Trouble to go to Ulcicur Co. * * * For two years I suffered with my stomach some times better and some times worse until about four months ago I had to give up completely broken down and had lost in weight about twenty-five pounds. * * * I then had X-Rays taken and found ulcers on my stomach, then my husband had known of several that had used your wonderful Ulcicur. * * * I have now taken seven bottles and feel completely cured. * * * I, John J. Hurley, having suffered with ulcers of the stomach for a period of 9 years, spent over \$4,000 with * * * I took 7 bottles of same, eating all kinds of meat since last August and have gained 34 pounds. I am satisfied in my mind that I am fully cured. * * * Just a few words to tell you what Ulcicur did for me. * * * I had a large duodenal ulcer. Being in a weak condition, having lost twenty-five pounds in weight. * * * I was finally persuaded to try Ulcicur, but was very skeptical of a patent medicine. After taking eleven bottles my health is back to normal, gained thirty pounds in weight. * * * I have suffered with stomach trouble for at least eighteen years, have doctored with the best doctors I knew, and taken nearly every kind of stomach medicine on the market without results. When

my sister sent me the Ulcicur I had no faith in it but took a dose and truthfully I felt the change. I have been taking one pound of soda every two or three weeks, sat up every night and could not eat. I even had to take soda and water with me in a bottle if I went anywhere as gas would form in my stomach and cause intense pain. Now I never have gas pains and I sleep all night and sure can eat any food that I haven't eaten in fifteen years. * * * For the past five or six years have been troubled with ulcers of the stomach, having spent considerable time in various hospitals, and have been on a rigid diet and was only able to work part of the time. * * * However, I purchased a bottle of Ulcicur and after the first week felt much relieved. * * * I am writing you today to tell you that I am fully cured and can eat anything that I desire without any distress thereafter. * * * I suffered from chronic ulcer of the duodenum for eight years. * * * I happened to hear of Ulcicur one day while doing some shopping, but did not believe all the wonderful things said about it. * * * I have taken fifteen bottles, and believe myself cured. Suffer very little distress after hearty meal (food that an ulcer patient is not supposed to have), but always keep a bottle on hand. Have gained fifteen pounds and am able to hold it. * * * Taken to Hospital for Operation. Brother Objected. Ulcicur Used Successfully Instead. * * * In October, 1929, I had a severe attack of Ulcers of the stomach. The Doctor took me to the hospital as soon as I went to see him. I had so many hemorrhages. I was so weak. I couldn't walk nor talk. He was bound to operate on me, and if it hadn't been for my brother he would have done it—but he said no. And just as soon as I was able my brother took me to his home and got me a bottle of 'Ulcicur.' I began taking it one-half dose at a time as I was afraid it would hurt my stomach. * * * I feel fine and cannot say enough for your medicine. * * * I believe my case of ulcers at the time was the worst that had come to your attention. I have had ulcers since 1901, had three major operations and in every case the ulcers returned, even under a strict diet. * * * I have Sinus trouble and when that condition gets bad the acidity increases. Then I fall back on taking a couple bottles of Ulcicur, which brings the condition back to normal."

No claim or answer having been interposed in either case, on September 5, 1931, judgment of condemnation was entered in the case instituted in the Southern District of Indiana, and on October 28, 1931, judgment of condemnation was entered in the case instituted in the Southern District of Iowa. The product involved in both cases was ordered destroyed, and in the case instituted in the Southern District of Iowa judgment was entered against the Ulcicur Co. (Inc.), Chicago, Ill., for costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18666. Misbranding of Admirine. U. S. v. 10 Dozen Bottles of Admirine.
No claim entered. Verdict for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 26131. I. S. No. 27153. S. No. 4427.)

Examination of the labels and composition of a drug product, known as Admirine, showed that it was represented to possess curative properties in certain ailments for which cinchona derivatives are prescribed and that it contained insufficient cinchona derivatives to cure such ailments when taken according to directions: "As a tonic for the blood and general System. Adults should take two teaspoonfuls; Children 10 to 12 years one teaspoonful 1 to 3 years half teaspoonful. Take the medicine diluted in a little water 3 times a day, before or after eating. To stop Chills and Fever or Bad Colds, take double size doses for 3 or four days, then change to the regular Tonic dose and take three times a day as a Blood Medicine and Restorative Tonic." The labeling of the product bore further unwarranted curative and therapeutic claims.

On March 31, 1931, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 dozen bottles of Admirine, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped by the Eucaline Medicine Co., Dallas, Tex., on or about April 24, 1930, and had been transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of the hydrochlorides of quinidine and cinchonidine (6.25 grains per fluid ounce), ferric chloride (0.4 gram per 100 cubic centimeters), extracts of plant drugs including a laxative drug, a trace of eucalyptus oil, alcohol, sugar, and water.

It was alleged in substance in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "The Body Builder. Blood Medicine * * * The Body Builder Is recommended to * * * stimulate the Liver and Kidneys to action. * * * Purifies the blood, destroys Malaria, stops Chills and Fever quickly and restores vitality to the weakened body. * * * The Body Builder * * * Blood Medicine For Tired Feeling, Sluggish Liver, Enlarged Spleen * * * Dizziness * * * Belching of Gas, Sour Stomach, Weakness, Tired, Lazy Feeling, * * * Indigestion, Foul Breath, Coated Tongue, Liver Spots, Nervousness, Sallow Skin, Melancholia, Pimples, Chronic Chills or Ordinary Chills, Periodical Fevers and the different forms of Blood troubles that are caused by Malaria Poisoning. It is an exceptionally good tonic for females in cases that are peculiar to their sex. * * * Digestant * * * Nerve Tonic * * * The Body Builder;" (bottle) "The Body Builder * * * As a tonic for the blood and general System. * * * To stop Chills and Fever * * * A blood Medicine and Restorative Tonic."

On June 8, 1931, no claimant having appeared for the property, and a jury having found that the allegations of the libel were true and correct, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18667. Adulteration and misbranding of Ergotole. U. S. v. One hundred and thirty-four 1-Ounce Bottles of Ergotole. Default decree of condemnation and destruction. (F. & D. No. 25944. I. S. Nos. 16003, 28701, 28702. S. Nos. 4201, 4250.)

Examinations of samples of the drug product Ergotole from the shipments herein described showed that it contained less of the therapeutically important constituents of ergot than represented and that it would be incapable of producing certain curative and therapeutic effects claimed for it in the labeling, because of its low potency.

On February 25, 1931, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of one hundred and thirty-four 1-ounce bottles of Ergotole, remaining in the original unbroken packages at Washington, D. C. The marshal having seized 191 bottles of the product, the libel was amended accordingly. It was alleged in the libel as amended that the article had been shipped by Sharp & Dohme (Inc.), from Baltimore, Md., in part on or about November 12, 1930, and in part on or about February 5, 1931, and had been transported from the State of Maryland into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that it was sold under the following standard of strength, (carton and bottle) "Ergotole * * * A Purified Liquid Preparation of Selected Ergot of Rye Free From Irritating constituents, each c. c. requiring two and one-half grams of the drug in its preparation," (circular) "In order to obtain the full oxytocic effect of Ergot a preparation should be used which contains the water-soluble constituents of Ergot in a maximum and definite amount," whereas the strength of the article fell below such professed standard.

Misbranding was alleged for the reason that the above-quoted statements in the carton and bottle labels and in the circular, were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "In order to obtain the full oxytocic effect of Ergot a preparation should be used which contains the water-soluble constituents of Ergot in a maximum and definite amount. The chief use for Ergotole is to excite uterine contraction and to check uterine hem-

orrhage. It is therefore especially valuable in the third stage of labor * * * Ergotole may be administered by the mouth in doses of 15 to 60 minims. Hypodermically 5 to 20 minims."

On May 1, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1866S. Misbranding and alleged adulteration of fluid extract of ergot. U. S. v. Twenty-two 4 ounce bottles of Fluid Extract Ergot. Default decree of condemnation and destruction entered. (F. & D. No. 25943. I. S. Nos. 16004, 28703, 28704. S. Nos. 4201, 4250.)

Examination of samples of a drug represented to be fluid extract of ergot that conformed to the requirements of the United States Pharmacopoeia, showed that the article had a potency of from one-third to two-thirds of that specified by the pharmacopoeia for fluid extract of ergot.

On February 25, 1931, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of twenty-two 4-ounce bottles of fluid extract of ergot. The libel was subsequently amended to cover the five 4-ounce bottles and 1 pint bottle of the product that had been seized, instead of the twenty-two 4-ounce bottles originally covered by the libel. It was alleged in the libel as amended that the article had been shipped by Sharp & Dohme from Baltimore, Md., in various consignments on or about November 12, 1930 and February 5, 1931, and had been transported from the State of Maryland into the District of Columbia, and that it was adulterated and misbranded in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopoeia, namely, "Fluid Extract Ergot," and differed from the standard of strength determined by tests laid down in the said pharmacopoeia. Adulteration was alleged for the further reason that the article was sold under the following standard of strength, "Fluid Extract Ergot, U. S. P. X. * * * Biologically Standardized * * * Standard: Each cc. Represents 1 Gram or Each Fluid ounce Represents 456 Grains of Ergot," whereas the strength of the said article fell below such professed standard.

Misbranding was alleged for the reason that the statements on the label, "Fluid Extract Ergot, U. S. P. X. * * * Biologically Standardized * * * Standard: Each cc. Represents 1 Gram or Each Fluid ounce Represents 456 Grains of Ergot," were false and misleading.

On May 1, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18669. Misbranding of Quinseptikons. U. S. v. 1½ Dozen Boxes, et al., of Quinseptikons. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26183, 26184. I. S. Nos. 20156, 15896. S. Nos. 4449, 4450.)

Examination of a drug product, known as Quinseptikons, from one of the shipments herein described having shown that the circular accompanying the article contained statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On April 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of one and two-thirds dozen boxes of Quinseptikons, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Tablax Co., from New York, N. Y., in part on or about August 16, 1930, and in part on or about September 8, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of suppositories containing salicylic acid (1.2 per cent), boric acid (14.8 per cent), quinine hydrochloride (4.8 per cent), and cocoa butter.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the circular accompanying the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Prophylactic * * * highly recommended by physicians as a preventative against infection and for the treatment of vaginal diseases and conditions such as Leucorrhea (Whites), Vaginitis, Vaginal Discharges, disagreeable odors, inflammation, pain, tenderness and as a prophylactic against venereal diseases, and * * * Directions for Use * * * In Leucorrhea, Vaginitis, and all conditions accompanied by discharges of any nature, insert a * * * twice daily at bedtime and on arising. As a prophylactic against venereal infection, insert a * * * few minutes before sexual congress. * * * For tenderness, inflammation and pains in vagina: One * * * is usually sufficient to relieve these conditions promptly and completely."

On June 10, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18670. Adulteration and misbranding of Muco-Solvent. U. S. v. 18 Bottles of Muco-Solvent. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24786. I. S. No. 020818. S. No. 3154.)

Examination of a drug product, known as Muco-Solvent, showed that the labeling of the article contained statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess. The labels also represented that the article was a vegetable compound; that it contained no harmful drug and could be administered safely to the youngest infant; that it possessed antiseptic properties, and that it contained 18 per cent of alcohol; whereas it was not entirely a vegetable compound, it might produce harmful results, it was not antiseptic, and it contained more than 18 per cent of alcohol.

On June 2, 1930, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 bottles of Muco-Solvent at Detroit, Mich., alleging that the article had been shipped by the Van Vleet Co. (McKesson-Van Vleet-Ellis Corporation) from Memphis, Tenn., on or about March 29, 1930, and had been transported from the State of Tennessee into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of salicylic acid, extracts of plant drugs, glycerin, alcohol, and water.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely: (Booklet) "Muco-Solvent is a vegetable compound, a solution of nature's antiseptics. * * * It is made of Nature's remedies—leaves, herbs, roots, etc. * * * Measles * * * The specific action of Muco-Solvent upon the Mucous Membrane destroys the germ."

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Booklet) "Muco-Solvent is a vegetable compound, a solution of nature's antiseptics, * * * It is made of Nature's remedies—leaves, herbs, roots, etc. * * * It is a germicide in the use of which the bacilli is killed and the accumulated mass dissolved and disintegrated. It contains no * * * harmful drug, and may be safely administered to the youngest infant as well as to adults. * * * Its action is that of a * * * antiseptic. * * * It wins its victory by destroying the disease germs. * * * (page 11) Measles * * * The specific action of Muco-Solvent upon the Mucous Membrane destroys the germ;" (carton and bottle label) "Contents average 18 per cent alcohol." Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the statement made was not correct. Misbranding was alleged for the further reason that certain statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18671. Misbranding of Pycopé. U. S. v. 2 Dozen Cans of Pycopé. Default decree of destruction entered. (F. & D. No. 25473. I. S. No. 11364. S. No. 3723.)

Examination of a drug product, known as Pycopé, having shown that the label and circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Utah the interstate shipment herein described, involving a quantity of the product located at Ogden, Utah.

On December 15, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two dozen cans of Pycopé remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by McKesson-Langley & Michaels Co., from San Francisco, Calif., on or about November 15, 1930, and had been transported from the State of California into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride, sodium carbonate, sodium bicarbonate, borax, calcium carbonate, iron, aluminum and magnesium compounds, and flavoring materials.

It was alleged in the libel that the article was misbranded in that the following statements regarding the therapeutic and curative effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Can) "For Mouth Health * * * Hardens Soft and Bleeding Gums. * * * It saves the teeth;" (circular) "It Saves the Teeth * * * There is Little Excuse for * * * Pyorrhea * * * The dental profession recognizes Pyorrhea as a condition, followed by a complex infection. You can aid your dentist in relieving the condition and preventing the infection by using Pycopé Tooth Powder and Brush. Pyorrhea is a gum disease. You may have beautiful white teeth and yet have Pyorrhea. The correct use of Pycopé Tooth Powder and Brush promotes mouth health, by raising the Natural resistance to the infection. Brush your teeth and massage your gums with these products for three minutes twice each day. Pycopé Products are endorsed by many hundreds of progressive dentists. These authorities, whose knowledge is beyond question are your assurance of its effectiveness."

On August 20, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*

18672. Adulteration and misbranding of ether. U. S. v. Eighty 1-Pound Cans of Ether. Default decree of condemnation and forfeiture. Product delivered to Federal agency for technical use. (F. & D. No. 26220. I. S. Nos. 11826, 11827. S. No. 4536.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On April 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eighty 1-pound cans of ether, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Merck & Co. (Inc.), from St. Louis, Mo., on or about January 24, 1931, and had been transported from the State of Missouri into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, since it contained peroxide.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S., P.," was false and misleading when applied to ether containing peroxide.

On June 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to this department for official and technical use, but not to be used for anaesthesia.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18673. Adulteration and misbranding of ether. U. S. v. Thirty 1-Pound Cans of Ether. Default decree of condemnation and forfeiture. Product delivered to Federal agency for technical uses. (F. & D. No. 26247. I. S. No. 11750. S. No. 4569.)

Samples of ether having been found to contain nonvolatile matter in excess of the amount prescribed by the United States Pharmacopœia, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of California.

On April 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of thirty 1-pound cans of the said ether, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the J. T. Baker Chemical Co., from Phillipsburg, N. J., on or about January 9, 1931, and had been transported from the State of New Jersey into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether * * * U. S. P. X."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopœia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether * * * U. S. P. X.," was false and misleading.

On June 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to this department for official and technical use, but not for anæsthetic purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18674. Adulteration and misbranding of tincture aconite. U. S. v. 7 Pint Bottles, et al., of Tincture Aconite. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26179, 26323. I. S. Nos. 8985, 28191. S. Nos. 4516, 4655.)

Examination of samples of tincture of aconite, represented to conform to the requirements of the United States Pharmacopœia, having shown that the article had a potency very much below the pharmacopœial requirement, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On April 4 and May 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 18 pint bottles of tincture aconite, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Sharp and Dohme, Philadelphia, Pa., alleging that the article had been shipped from Philadelphia, Pa., in part on March 3, 1931, and in part on April 4, 1931, and had been transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Tincture Aconite U. S. P. X. Standard * * * Biologically Standardized."

Analysis of a sample of the article by this department showed that it possessed a physiological potency less than one-half of the minimum requirement of the United States Pharmacopœia.

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength as determined by the test laid down in the said pharmacopœia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statements on the label, "Tincture Aconite U. S. P. X. Standard * * * Biologically Standardized," were false and misleading.

On May 18 and June 8, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18675. Adulteration and alleged misbranding of Gold Bond Sterilseptic toilet powder. U. S. v. 15 Dozen Packages of Gold Bond Sterilseptic Toilet Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26204. I. S. No. 28423. S. No. 4472.)

Examination of samples of Gold Bond Sterilseptic toilet powder showed that the article was represented to be antiseptic, whereas it was not. The labels further represented that the article possessed curative and therapeutic properties which it did not possess.

On April 8, 1931, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 dozen packages of Gold Bond Sterilseptic toilet powder, remaining in the original unbroken packages at Providence, R. I., alleging that the articles had been shipped by the Gold Bond Sterilizing Powder Co., from Fairhaven, Mass., on or about February 27, 1931, and had been transported from the State of Massachusetts into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of talc, boric acid, and small proportions of volatile oils including eucalyptol and methyl salicylate. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it fell below the professed standard of "Antiseptic," under which it was sold.

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton) "Is recognized by the Nation's leading Physicians and Surgeons as the World's Standard Antiseptic Toilet Powder;" (can) "Antiseptic * * * Guaranteed by Gold Bond Sterilizing Powder Co. Under the Food and Drugs Act, June 30, 1906, Serial No. 26132;" (circular) "Sterilseptic Healing Toilet Powder * * * is the only * * * antiseptic healing toilet powder known to medical science * * * its antiseptic healing properties render it invaluable * * * the cleansing antiseptics in this wonderful powder, * * * Gold Bond Sterilseptic Healing Toilet Powder as it tends to destroy parasitical germ life, * * * by combination of the best antiseptics, * * * Sterilseptic—Stands for Antiseptic." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the labeling, were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Carton) "Hives, eczema, bed sores, chicken pox, measles, scarlet fever, pimples * * * is a Superior Healing Powder;" (can) "Hives, Eczema, Bed Sores, Chicken Pox, Measles, Scarlet Fever, Pimples * * * Cuts;" (circular) "Healing Toilet Powder A scientifically prepared healing powder, * * * Gold Bond Sterilseptic Healing Toilet Powder is especially recommended for the relief of infant skin irritations such as Stomach, Teething and Diaper Rash, * * * Good skin, health, happiness and beauty usually is the reward for all who use it. * * * For the nursery it stands pre-eminent, giving instant relief to children suffering from skin troubles peculiar to the young, and should be used liberally on all parts of the body as a preventive against contagious diseases. This powder is prescribed by leading physicians all over the country for hives, eczema, salt rheum, scrofula, * * * chicken-pox, measles and scarlet fever, * * * tetter, cuts, scratches, * * * For Leucorrhoea—The Muco-purulent discharge from the vagina and the uterine cavity, commonly called 'whites.' Gold Bond Sterilseptic Healing Toilet Powder dusted thoroughly about and over the inflamed surfaces of the affected parts will aid in relieving the burning irritation and in healing the inflamed and tender skin and absorb the adherent moisture. * * * allays all irritation, removes and prevents pimples, blackheads, freckles, moth-patches, * * * purifies * * * the skin, * * * recognized for twenty years by doctors, nurses and mothers as the most effective treatment in the prevention and healing of all skin irritations to

which the baby is subject. It is equally effective in deodorizing and sterilizing the human skin and membranes and being unlike anything else in formula and healing character it performs the seemingly impossible. * * * Gold Bond Sterilseptic Powder * * * is beneficial for your teeth and gums. * * * Sterilseptic—Stands for * * * That which is Healing.”

On June 29, 1931, the default of all persons interested in or claiming the property having been recorded, a decree was entered adjudging the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18676. Misbranding of Johnson's American anodyne liniment. U. S. v. 156 Dozen Small-Sized Packages, et al., of Johnson's American Anodyne Liniment. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26320. I. S. Nos. 28424, 28425. S. No. 4616.)

Examination of a drug product, known as Johnson's American anodyne liniment, from the shipments herein described having shown that the carton bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the district of Massachusetts.

On May 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 156 dozen small-sized packages and 30 dozen large-sized packages of the said Johnson's American anodyne liniment, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Chemicals & Drugs (Inc.), from Baltimore, Md., in various consignments on or about March 13, March 16, March 20, and March 23, 1931, and had been transported from the State of Maryland into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of alcohol (14.8 per cent), a fatty oil (8 per cent), volatile oils including turpentine oil and camphor (7.8 per cent), ammonia (0.15 per cent), ether, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton, regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: “Johnson's American Anodyne Liniment For The Relief of Coughs * * * Grippy Cold, Colic, Asthmatic Distress, Bronchial Cold, Nasal Catarrh, Cholera Morbus, Cramps, * * * Common Sore Throat, * * * Chilblains, * * * Muscular Rheumatism.”

On May 26, 1931, Chemicals & Drugs (Inc.), Baltimore, Md., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department, so that it bear no false and fraudulent statements in the labeling.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18677. Misbranding of Narco compound syrup of hypophosphites. U. S. v. 30 Bottles of Narco Compound Syrup of Hypophosphites. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26309. I. S. No. 29812. S. No. 4557.)

Examination of samples of the drug product, Narco compound syrup of hypophosphites, from the shipment herein described having shown that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the district of New Jersey.

On or about April 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of Narco compound syrup of hypophosphites, remaining in the original unbroken packages at Trenton, N. J., alleging that the article had been shipped by Hance Bros. & White (Inc.), Philadelphia, Pa.,

on or about October 18, 1930, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained potassium manganese, strychnine, iron, calcium, and quinine hypophosphites dissolved in water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "This preparation has gained a wide reputation in the treatment of pulmonary tuberculosis and other affections of the respiratory organs. * * * its use is indicated in a wide range of diseases;" (carton) "This preparation has gained a wide reputation in the treatment of affections of the respiratory organs. * * * It is valuable in cases of weakened condition following attacks of severe * * * coughs, and as a vitalizing tonic following nervous breakdowns. * * * Combines in a pleasant form the constructive and nutritive * * * properties of the principal Hypophosphites."

On June 3, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18678. Misbranding of Vernas. U. S. v. 66 Small-Sized Packages, et al., of Vernas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26304. I. S. Nos. 29888, 29889, 29890. S. No. 4620.)

Examination of the labeling and composition of the drug product Vernas having shown that it was recommended as an antiseptic, whereas it was not antiseptic when used as recommended, also that it was labeled as possessing curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On April 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 66 small-sized packages, 27 medium-sized packages, and 18 large-sized packages of the said Vernas, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Royal Sundries Corporation, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about February 26, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc chloride, volatile oils including clove oil, cassia oil, and peppermint oil, glycerin, alcohol (22 per cent by volume), and water. Bacteriological examination showed that the article was not antiseptic in the dilution recommended for the douche.

It was alleged in the libel that the article was misbranded in that the statements appearing on the carton, "Antiseptic * * * effective * * * for feminine hygiene," were false and misleading when applied to an article which was not antiseptic. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Promotes Nose and Throat Health * * * Strengthens Spongy, Bleeding. Gums * * * Sores * * * Prophylactic;" (bottle) "Bleeding Gums * * * Sore Throat.—Gargle with Vernas full strength several times daily. (Make this a habit during winter and spring months as a preventative.) * * * Prophylactic;" (circular) "Imbedded germ colonies cannot escape the New Vernas. It goes deep down to destroy these disease breeding spots, which are constantly forming. * * * Stimulates your enzymes—tones your tissues * * * to fight Sore Throat * * * For Sore Throat. Sore throat is a danger signal that should never be neglected. A sore throat may be caused by a highly contagious disease like diphtheria * * * The New Vernas should be used as a gargle, * * * For Bleeding Gums and Mouth Infections."

On May 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18679. Misbranding of Hinkley's bone liniment. U. S. v. 3½ Dozen Small-Sized Bottles, et al., of Hinkley's Bone Liniment. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26305, 26306. I. S. Nos. 15277, 26596. S. Nos. 4612, 4613.)

Examination of samples of the drug product Hinkley's bone liniment from the shippers herein described having shown that the carton and bottle labels and the accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Wisconsin.

On April 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6½ dozen small-sized bottles and 3½ dozen large-sized bottles of the said Hinkley's bone liniment, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Hinkley Bone Liniment Co., from Saginaw, Mich., in part on or about October 13, 1930, and in part on or about January 16, 1931, and had been transported from the State of Michigan into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of alcohol (47 per cent by volume), camphor (1 gram per 100 milliliters), traces of other volatile oils, a small proportion of a salicylate, and water (approximately 52 per cent by volume).

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Bone Liniment * * * Bone Liniment Co. * * * For Muscular Pains, Headache, Earache, Toothache, Inflamed Throat, * * * etc. Internal Pains, such as Stomachache, Cramps, Colic, Diarrhoea, Coughs, * * * Chills, etc. A quick relief for pain;" (bottle) "Bone Liniment * * * Hinkley Bone Liniment Co., Saginaw, Mich., * * * Uses for Muscular Pains, Headache, Earache, Toothache, Inflamed Throat, * * * Chilblains, etc. * * * Cramps, Colic, Stomachache, Diarrhoea, Coughs, Chills, etc.;" (circular) "Bone Liniment * * * Used Externally For Muscular Rheumatic Pains, Neuralgic Pains, Headache, Toothache, Earache, Sore Throat, * * * Chilblains, * * * Boils * * * Lameness, Numbness * * * Used Internally for * * * Coughs, Sore Throat, Bronchial Affections, Cramps, Stomachache, Chills, Diarrhoea, Dysentery, Etc. * * * Read and Follow the Directions Carefully * * * Sore Throat and 'Flu'—One good way to break up a cold and sore throat and to prevent the 'flu'; * * * Prompt results should be expected. Neglected colds or sore throat may develop into more serious and dangerous affections, then your physician should be consulted. Muscular Rheumatic Pains—Apply freely * * * Headache and Neuralgic Pains * * * Earache * * * If this does not afford quick relief, your physician should be consulted. Sore Throat * * * Neglected sore throat may develop into a serious affection and your physician should be consulted. Sore or Inflamed Lungs from Cold or Exposure * * * Repeat the dose every four hours. * * * Coughs * * * every hour until relieved, * * * Colic, Pains in the Stomach and Cramps—Formation of gas in the stomach and intestines is often the cause of these painful conditions. A teaspoonful in a glass of hot sweetened water frequently brings the greatest relief. Dyspepsia or Indigestion—When accompanied by gas on the stomach, it is often distressing. * * * will generally afford immediate relief. * * * Diarrhoea * * * For Boils * * * Headache."

On September 4, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18680. Misbranding of Murrmann's compound. U. S. v. 9 Bottles of Murrmann's Compound. Default decree of condemnation and destruction. (F. & D. No. 26325. I. S. No. 28304. S. No. 4614.)

Examination of the drug product, Murrmann's compound, from the shipment herein described having shown that the bottle and carton labels and the circular accompanying the article represented that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On May 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine bottles of Murrmann's compound at Pittsburgh, Pa., alleging that the article had been shipped by the D. W. Price Co., from Toledo, Ohio, on or about January 29, 1931, and had been transported from the State of Ohio into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained creosote (0.17 per cent), glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements on the bottle label and in the circular were false and misleading, since they led the purchaser to believe that the article had been registered and approved by the Federal Government: "Formula Registered Washington, D. C., in Class 6, Chemicals, Medicines and Pharmaceutical Preparations * * * We hereby guarantee that this compound is not adulterated. All drugs actually used in making are under the Federal Food and Drug Act, June 30, 1906." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For Functional Disorder of the Lungs * * * Directions: For Adults—Severe cases of Lung Trouble, Asthma and Bronchitis, * * * For Children with fever, * * * 4 times a day till well;" (carton) "For Functional Disorders of the Lungs * * * For the Lungs, Bronchitis, Asthma;" (circular) "For Functional Disorders of the Lungs * * * Just a Cough, But He Died. A man died in Danville the other day from Tuberculosis. But the history of the case showed it all started with a cough that was neglected, went down and hung on. This Danville man is only one of thousands who die in the same way—all unnecessary. Any doctor will tell you that tuberculosis, taken in time, is curable in almost every case. He will also tell you that if not taken in time, you are doomed. Don't neglect that deep cough. Begin now with Murrmann's Compound, the approved and effective formula for lung coughs, asthma, bronchitis and all diseases of the respiratory organs. * * * It is a healer of inflamed tissue. * * * Notice! * * * In cases of severe Lung Trouble, remember Murrmann's Compound is a Lung Medicine and do not stop until you have taken several bottles. By that time you will find that your lungs are greatly improved. Keep right on until you are well. * * * Lung Sufferers! Bronchitis and Asthma Sufferers! Everywhere Praise Murrmann's Compound * * * Gives Immediate Results Such as They Had Never Hoped to Receive. * * * Beware! The cough * * * that hangs on is a danger signal and leads to Lung Trouble, Asthma, Bronchitis, Catarrh of the head and all other respiratory diseases. You can stop them now with Murrmann's Compound A Sure Relief for these Ailments. A medical Discovery with immediate results and actions, which soothes and heals the infected membranes and attacks the seat of the trouble. The growth of the germs are checked. It goes into the stomach and is absorbed in the blood and soothes and heals the flamed throat, lungs and bronchial tubes and builds up the system. It does not * * * 125,000 Die Every Year with T.B. Take Murrmann's Compound and Heal Up Your Lungs. It is a well known fact that Murrmann's Compound has produced some very marvelous effects in tuberculosis. * * * Pneumonia is a dangerous sickness caused by coughs or colds. You may stop all this by taking a few doses of Murrmann's Compound. * * * Would You Like to Be Free From Lung Troubles? Killed By a Cold Not at once, of course, but thousands die annually because of cold hung on and they couldn't shake it. * * * It seems like such a little thing, but if it gets to your lungs and sticks you are in a peck of trouble. Right now is the time to stop fooling with simple home methods and start a real healing agent to work. A doctor's prescription acknowledged by all authorities as a great healer, combined with other healing drugs, forms Murrmann's Compound, the wonderful new remedy that has made such a stir. Murrmann's Compound attacks the germs, heals the inflamed tissues and builds up the entire system. Also very beneficial for bronchial coughs and asthma. Pneumonia is a sickness caused by catching cold and it develops into a high fever and can be prevented by having a bottle of Murrmann's Compound * * * and giving a few doses. It will not take more than 2 or 3 doses to break any cold just caught. * * * [testimonials in circular] Stricken with Cough and Asthma. Two years ago I was stricken with

Flu, which caused and resulted in a violent cough and Asthma. I was all run down in health in every way, * * * I was persuaded by a friend who had used this wonderful treatment to * * * Truly I was practically cured so I worked last year, but being a steam shovel man when exposure was put on me getting my feet wet. It returned in October again. * * * I went back to Mrs. Murrmann's Compound again and am fully convinced if I keep taking I will get cured * * * She had always been sick with lung trouble and the past summer was down. The doctors told me she might die any time, * * * Then I heard about Murrmann's Compound and thought I would give it a trial. She began taking it at Christmas and was able to go to school again after the Christmas holidays. Now the swelling has all left her and she has gained in weight. * * * Bad Case of Lung Trouble. I was in the printing shop when my lungs became affected. I kept getting worse till I became bedfast. I lost my voice and thought it was my last days. * * * my boss in the printing shop brought me a bottle of Murrmann's Compound * * * My voice came back and by the time I took six bottles I was able to go back to work but it was too hard so got outside work. Now I am back at my old job and feeling fine. * * * Saved My Baby * * * My 13 months old baby had measles and whooping cough which settled on his lungs. My mother recommended Murrmann's Compound. It sure helped him. Now after two bottles he eats anything, walks, sleeps, and is a big fat baby. * * * At last the Dr. said his lungs were entirely healed. My children all had the flu, all I gave them was your medicine. They are all fine healthy children. * * * Had Bronchitis For Twenty Years. In the year of 1924 I became seriously ill from the effects of Chronic Bronchitis. I had been ailing with it for twenty years. Every winter I would be sick most of the time. A lady brought me a trial bottle of Murrmann's Compound. * * * I have taken four bottles and now I am a well woman and can say it is the only medicine I ever took that did not hurt my stomach. * * * Run Down Condition. Good health is appreciated by most of us. Most babies are born healthy. But some get in a run down condition—one or two bottles of Murrmann's Compound will get them over their troubles and start them right. * * * Doctor Advised Staying in Bed. Four years ago I was running a temperature from my Lungs. Doctor advised staying in bed which I felt impossible to do with my four children. * * * persuaded me to try Murrmann's Compound, as it had cured her boy's lungs when they were in bad shape. I found an improvement, in a short time I got up but was very careful and kept taking the medicine and kept on improving. Never had a temperature since and the least sign of weak, run down condition, I start on the medicine which I find is fine for a tonic and is strengthening. Also I found it a good remedy for the entire family. * * * I took cold, settled on my lungs and I began to lose in weight. Couldn't eat or sleep. After about 8 or 10 months I had my lungs examined and found them in a very bad condition. * * * I was bedfast three months when I remembered seeing Murrmann's Compound advertised in the Commercial News. I took two samples within a week. I noticed a change for the better. Have taken five bottles, now I am able to work, go anywhere, enjoy myself, eat, sleep, haven't that tired feeling any more. * * * One-Half Bottle Took Pressure Off My Chest. I could not eat or sleep, was real sick. Hadn't worked for 16 months. I had a heavy pressure on my chest. My stomach was all out of order. In fact I was in a run-down condition. * * * but nothing done me any good until I took Murrmann's Compound. I have taken 3 bottles. I am entirely well. * * * Almost Lost My Baby. My seven months old baby was in a run down condition from the effects of Pneumonia fever; she was real sick. I had a bottle of Murrmann's Compound. I began giving it to her, and it helped her right away. Now she has taken about a bottle and is in a healthy condition and stands up. * * * Bad Case of Lung Trouble. 1925 I coughed all summer and winter. Tried everything I could hear of but nothing done me any good. I weighed two hundred pounds when I took sick. I went down to 170 and the doctor sent a test to Springfield and when I went to see him he said I have bad news for you, the report said you have T.B. * * * I got no better so I heard of Murrmann's Lung medicine. I asked the doctor about trying it. If it don't help you, come back and let me know, he said. I started taking Murrmann's Compound and I saw it was doing me good, so in 1926 I sent another test to Springfield and the report said there was no T.B. germs found and I am working now and gaining in weight so I will praise Murrmann's Compound for my life. * * * Nervousness. For several months I had almost been a nervous wreck, and I

began to take Murrmann's Compound. Before I had taken my first bottle I had begun to eat and gain in weight. * * * I am still gaining in weight, and feel better than I have for several years. If you are all run down, feel tired and worn out, just try a bottle of Murrmann's. Was Ordered Not to Go to School. My boy's lungs were in bad shape. He was bedfast for 11 weeks and was ordered not to go to school during the balance of the term. One of our neighbors told us about Murrmann's Compound and we began giving it to him. He commenced to gain at once. After taking two bottles he gained ten pounds. He returned to school after Christmas and continued to improve right along. * * * had his lungs examined and found that they were entirely healed. * * * It is indeed a great pleasure for me to tell how miraculously I was relieved of Asthma. I had the Asthma for years. Many nights I had to get out of bed and sit in a chair the remainder of the night because I absolutely could not breathe lying down. This naturally tore my health down in general. I tried all the so-called cures for Asthma * * * The first dose relieved the tightness in my throat and soothed the irritation. After taking a few bottles the Asthma left me entirely. * * * Since then I have told many friends suffering from lung troubles, bronchitis, asthma, influenza, about the Compound. I have never seen a case where it failed to give relief if taken according to directions. * * * I Was in Bad Shape—I am Well Now—Gaining in Flesh. Last fall I was away for four months on account of my lungs. I gained in weight, but lungs did not seem to get any better, and last March something went wrong with my stomach. * * * After about a month I began taking Murrmann's Compound, have taken four or five bottles and since taking it have had my lungs examined by two Doctors and found them in good shape. * * * I wish to tell the people what Murrmann's Compound has done for my family. My children were always ailing with some little children troubles such as colds, fever, sore throat, coming home sick from school. Now I just give them a few doses of Murrmann's Compound. They seem to get relief right away. * * * I took the influenza and called the Doctor and he told me to stay in bed as long as I had any fever. I took one bottle of Mrs. Murrmann's Compound. I called the Doctor in again and he said my lungs were clear and I have not any more Flu. I got up and was able to do my work, and was over the Flu all in one week's time, I didn't cough any and it kept my fever down and I want anybody that takes the Flu, to get a bottle of Mrs. Murrmann's Compound."

Misbranding was alleged for the further reason that the following statements on the bottle label and in the circular were false and misleading in that they would lead the purchaser to believe that the article had been registered and approved by the Federal Government:

"Formula Registered Washington, D. C., in Class 6, Chemicals, Medicines and Pharmaceutical Preparations, * * * We hereby guarantee that this compound is not adulterated. All drugs actually used in making are under the Federal Food and Drug Act, June 30, 1906."

On June 9, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18681. Misbranding of vegetable and hemlock oil. U. S. v. 20 Bottles of Vegetable and Hemlock Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26287. I. S. No. 29905. S. No. 4592.)

Examination of the drug product, vegetable and hemlock oil, having shown that the carton and bottle labels and the circular accompanying the article contained statements representing that the said article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On April 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 bottles of the said vegetable and hemlock oil, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Vegetable & Hemlock Oil Medical Co., Detroit, Mich., alleging that the article had been shipped from Detroit, Mich., on or about February 19, 1931, and had been transported from the State of Michigan into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils, chiefly turpentine oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and bottle labels and in the circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "A Compound for the Throat, Chest, Lungs, Nasal Organs, Sciatica, Lumbago, Stiffness and Backache. * * * A Compound for Headache, Toothache, Earache, Coughs * * * Catarrh, Croup, Sore Throat, Hoarseness, Bronchitis, Whooping Cough, Influenza, Asthma, Neuralgia, Catarrhal Deafness and Rheumatism;" (bottle) "For Headache, Toothache, Earache, Coughs, * * * Catarrh, Croup, Sore Throat, Hoarseness, Bronchitis, Catarrhal Deafness, Whooping Cough, Influenza, Asthma, Hay Fever, Cramps * * * Neuralgia and Rheumatism;" (circular) "If you are afflicted with any of the following complaints Headache, Toothache, Earache, Coughs, * * * Catarrh, Croup, Sore Throat, Hoarseness, Bronchitis, Catarrhal Deafness, Whooping Cough, Influenza, Asthma, Neuralgia, Rheumatism * * * Cramps, Hay Fever * * * is usually immediate in its effects and lasting in its benefits. * * * after 30 years, with thousands upon thousands of bottles in use in this country and Europe and many thousands of unsolicited letters that tell of relief and cures, we are justified in using the strongest possible language in speaking of its virtues. * * * Directions for Using * * * For * * * Catarrh, Catarrhal Deafness, etc., * * * Repeat many times a day until relieved. * * * For Rheumatism, Neuralgia, Sciatica, Lumbago, Sprains, * * * La Grippe, Lameness and Backache * * * allowing the Oil to be quickly absorbed and penetrate to the affected parts. In severe cases it is advisable to bandage the affected part with flannel after applying the Oil. For Coughs * * * Croup, Asthma, Sore Throat, Hoarseness, Bronchitis, Whooping Cough and Influenza, bathe the throat and lungs * * * For Earache * * * for Headache * * * For Headache when sick at the stomach * * * For Colic, Cramps or pains in the stomach or bowels. * * * [Testimonials] I have been using your Oil for rheumatism and neuralgia, and have been greatly benefited by its use. Also for headache it has no equal. We recommend it highly. * * * I have used your Oil for several years and as I have lung, throat and bronchial trouble, I feel I never could be without it. I have a great deal of trouble in cold weather with my bronchial tubes and the Oil is my first relief; and not only for that, but for rheumatic pains and numerous other complaints. I recommend * * * very highly for aches and pains of all kinds. * * * We have used * * * in the family for eight or nine years. I had bronchitis and catarrh very bad and am rid of both by the use of your Oil. * * * there is no need of having colds or lagrippe. * * * I had catarrhal deafness for over a year and tried two specialists without deriving any benefit. At this time a friend gave a half bottle of Vegetable & Hemlock Oil to my husband and before using what was in the bottle I could see a great difference. In a short time those dreadful noises in my head had disappeared. If we are in pain with toothache, sore throat or the like we use * * * also for headache, it is so penetrating. It loosens up the tubes into the ears and throat. I can truly say it is all you recommend it to be and I am always willing to recommend * * * I have found this remedy very beneficial for catarrh of the head, sick headaches and toothache and would not be without same at any time. * * * I have been a user of your * * * for a number of years as I am subject to sick headache and this Oil is the best cure I have found for headaches."

On May 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18682. Misbranding of Cocil-Cod. U. S. v. 7 Dozen Bottles of Cocil-Cod. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26254. I. S. No. 5770. S. No. 4546.)

The drug product Cocil-Cod was represented to contain the therapeutic principles of cod-liver oil and to possess certain other curative and therapeutic properties. Examination showed that it did not contain the principles of cod-liver oil and did not possess certain curative and therapeutic properties claimed for it on the bottle and carton labels.

On April 28, 1931, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court

of the United States for the district aforesaid a libel praying seizure and condemnation of seven dozen bottles of Cocil-Cod at San Juan, P. R., alleging that the article was in possession of Serra, Garabis & Co. (Inc.), San Juan, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including eucalyptus, a small proportion of menthol, a trace of chloroform, alcohol (7.7 per cent by volume), sugar, and water. It contained no cod-liver oil nor cod-liver-oil extract.

It was alleged in the libel that the article was misbranded in that the name "Cocil-Cod," appearing on the carton and bottle label, and the statement on the carton, "Extract of Cod Liver," were false and misleading, since they gave the impression that the article contained the therapeutic principles of cod-liver oil. Misbranding was alleged for the further reason that the following statements on the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle, translation from Spanish) "For treating cough * * * and la grippe;" (carton, translation from Spanish) "It strengthens the patient's resistance, meanwhile its expectorant action loosens and stops the cough or the catarrh. It is recommended for obstinate cough and catarrh. For tenacious catarrh. * * * Catarrh, Cough, Influenza, and La Grippe."

On June 4, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18683. Adulteration and misbranding of ether. U. S. v. Eleven 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25855. I. S. No. 26273. S. No. 4099.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On February 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eleven 1-pound cans of ether, remaining in the original unbroken packages at Houston, Tex., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., on or about December 3, 1930, and had been transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statement on the label of the containers of the article, "Ether U. S. P.," was false and misleading, since the said article contained peroxide.

On July 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18684. Misbranding of Jones' liniment. U. S. v. 1 2-3 Dozen Large-Sized Bottles, et al., of Jones' Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26341. I. S. No. 30501. S. No. 4635.)

Examination of the drug product Jones' liniment having shown that the carton and bottle labels and the accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Massachusetts the interstate shipment herein described, involving a quantity of the product located at Boston, Mass.

On May 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1½ dozen large-sized bottles and 1½ dozen small-sized bottles of the said Jones' liniment, remaining in the original unbroken packages at Boston, Mass.,

alleging that the article had been shipped by M. Spiegel & Sons (Inc.), from Albany, N. Y., on or about March 23, 1931, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petroleum distillate such as gasoline, methyl salicylate, pine-tar oil, camphor oil, and capsicum oleoresin.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Rheumatic Pains, Neuralgia, Sore Throat and Quinsy, Headache (Nervous) * * * Backache * * * Lameness, Chilblains * * *. It is good for Rheumatism, Lumbago, Neuralgia, Colic and Cramps, Headache, Earache, Cold in the Chest and Lungs, * * * Gout, Sore Throat, * * * Aching Feet, Inflammation * * *. A pain killer that will relieve these afflictions is an absolute necessity to everybody. It is the best safeguard against suffering from Accidents * * *. If after using it a few times the pains are still lingering, apply to the affected part a cloth wrung out in hot water and afterwards the Liniment is applied until relief is experienced;" (bottle label) "For * * * Rheumatism, Neuralgia, Headache, Backache * * * Lameness, Bunions, Chilblains, Colic and all Bodily Pains. * * * This Liniment is used for strengthening weak back or limbs, and healing bodily pains and inflammations. * * * In protracted pain a cloth moistened with the Liniment may be applied until relief is experienced;" (circular) "For Rheumatic and other pains in the joints, lower limbs or hips, apply Jones' Liniment * * *. Apply a cloth saturated with the Liniment to reduce inflammation and swelling. * * * For Backache, pains in the sides, shoulders, stiff neck and joints, apply the Liniment * * *. For Neuralgia in the head, keep the temples bound up with a linen cloth saturated with Jones' Liniment, and apply it to the back of the neck and ears. * * *. For Nervous Headache, apply Jones' Liniment to the forehead, back of the neck behind the ears, and inhale the fumes. For Sciatica, * * *. For Sore Throat and Quinsy * * *. For Earache, * * *. For * * * Swellings * * *. For Pains in Chest and Lungs * * *. For Bunions * * *. For Corns * * *. For * * * Weak Joints and Ankles, * * *. For Colic, Cramps, Cholera Morbus and other internal pains * * * swellings, cracked heels * * * scratches, cramps or contraction of the muscles, sore throat, colic, distemper, epizootic * * * and other diseases that can be reached by external application * * *. For the Flu, Cough * * *. Bronchitis * * * will * * * relieve * * * catarrhal conditions."

On June 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18685. Misbranding of Jones' liniment. U. S. v. 11 Dozen and Five Bottles, et al., of Jones' Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26334. I. S. Nos. 16066, 16067, S. No. 4636.)

Examination of the drug product Jones' liniment from the shipments herein described having shown that the labels represented that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On May 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 dozen and 5 bottles, small size, and 8½ dozen bottles, large size, of Jones' liniment, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the M. Spiegel Medicine Co., from Albany, N. Y., in part on or about August 16, 1930, and in part on or about November 15, 1930, and had been transported from the State of New York into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petroleum distillate such as gasoline, methyl salicylate, pine-tar oil, camphor oil, and capsicum oleoresin.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and bottle labels and in the circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Rheumatic Pains, Neuralgia, Sore Throat and Quinsy, Headache (Nervous) * * * Backache, * * * Lameness, Chilblains, * * * It is good for Rheumatism, Lumbago, Neuralgia, Colic and Cramps, Headache, Earache, Cold in the Chest and Lungs, * * * Gout, Sore Throat, * * * Aching Feet, Inflammation * * * A pain killer that will relieve these afflictions is an absolute necessity to everybody. It is the best safeguard against suffering from Accidents * * * If after using it a few times the pains are still lingering, apply to the affected part a cloth wrung out in hot water and afterwards the Liniment is applied until relief is experienced;" (bottle label) "For * * * Rheumatism, Neuralgia, Headache, Backache * * * Lameness, Bunions, Chilblains, Colic And All Bodily Pains. * * * This Liniment is used for strengthening weak back or limbs, and healing bodily pains and inflammations. * * * In protracted pain a cloth moistened with the Liniment may be applied until relief is experienced;" (circular) "For Rheumatic and other pains in the joints, lower limbs or hips, apply Jones' Liniment * * * Apply a cloth saturated with the Liniment to reduce inflammation and swelling. * * * For Backache, pains in the sides, shoulders, stiff neck and joints, apply the Liniment * * * For Neuralgia in the head, keep the temples bound up with a linen cloth saturated with Jones' Liniment, and apply it to the back of the neck and ears. * * * For Nervous Headache, apply Jones' Liniment to the forehead, back of the neck, behind the ears, and inhale the fumes. For Sciatica, * * * For Sore Throat And Quinsy * * * For Earache, * * * For * * * Swellings * * * For Pains in Chest And Lungs * * * For Bunions * * * For Corns * * * For * * * Weak Joints And Ankles, * * * For Colic, Cramps, Cholera Morbus and other internal pains * * * swellings, cracked heels * * * scratches, cramps or contraction of the muscles, sore throat, colic, distemper, epizootic * * * and other diseases that can be reached by external application * * * For The Flu, Cough * * * Bronchitis * * * will * * * relieve * * * catarrhal conditions."

On June 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18686. Misbranding of Mackie's pine oil. U. S. v. 72 Bottles of Mackie's Pine Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26327. I. S. No. 29929. S. No. 4645.)

Examination of the composition and labeling of the drug product Mackie's pine oil from the shipment herein described having shown that the labeling represented that the article possessed curative, therapeutic, and germicidal properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On May 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 72 bottles of the said Mackie's pine oil, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Johnston-Mackie Co. (Inc.), New Orleans, La., alleging that the article had been shipped from New Orleans, La., on or about February 7, 1931, and had been transported from the State of Louisiana into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a coniferous oil. Bacteriological examination showed that the article would not kill *Staphylococcus aureus* within one hour.

It was alleged in the libel that the article was misbranded in that the following statements on the labeling were false and misleading: (Carton) "Germicidal * * * put a few drops in half a glass of water and snuff up the nose every three or four hours; saturate a cloth and inhale odor through nose and mouth, leaving cloth on pillow or hung so as to inhale while asleep. * * * Germicidal;" (circular) "Germicidal * * * It is a scientific and thoroughly modern germicide, * * * Takes the Place of Dangerous Germicides;" (bottle) "A teaspoonful in the water gives a cleansing and antiseptic bath."

Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Skin Eruptions, * * * Ordinary Sore Throat, Bronchitis, Tonsillitis, Whooping Cough, Asthma, * * * Sores, * * * Skin Eruptions, * * * For Rheumatism, * * * For Coughs, * * * Sore Throat, Tonsillitis, Bronchitis, * * * For Asthma;" (carton) "Directions For * * * Sores, * * * Skin Eruptions, * * * For Coughs, * * * Ordinary Sore Throat, Tonsillitis, Bronchitis, * * * For Asthma, * * * For Whooping Cough, to produce relaxation and lessen coughing paroxysms, rub pit of stomach with Pine Oil * * * For * * * Many Skin Eruptions, Ordinary Sore Throat, Bronchitis, Tonsillitis, Whooping Cough * * * Asthma;" (circular) "Laboratory tests show also that Mackie's Pure St. Tammany Pine Oil has an anesthetic quality equal to a 2-per cent solution of cocaine, and that, used externally as a local anesthetic, it will often ease such pains as toothache * * * Skin Eruptions. * * * It will take out the poison in mosquito bites, bee stings, etc. It will disinfect, * * * thus promote natural healing in * * * many skin eruptions. * * * Sore Feet, Inflammation. * * * It is helpful in reducing inflammation * * * Sore Throat, Tonsillitis, Whooping Cough. Diluted as directed, it may be used with good effect as a spray or gargle for ordinary sore throat, bronchitis, tonsillitis, etc., and undiluted, rubbed on the outside. Thoroughly rubbed on the pit of the stomach, it will cause relaxation and often relieve the paroxysms in whooping cough. Asthma, * * * and Nasal Catarrh. Inhaled through the nose and mouth from a cloth saturated and laid on, or hung up over the pillow at night, it relieves asthmatic congestion. It is very beneficial in cases of nasal catarrh. * * * [Testimonials in circular] Since infancy I have suffered with Eczema, which seemingly was incurable. * * * Constantly I have suffered with a raw spot on my great toe on my right foot. This spot was * * * irritable all the time. Four nightly applications of Mackie's Pine Balm has entirely cured this particular spot. I have used two bottles of your Pure St. Tammany Pine Oil for Rheumatism and it has almost cured me. I have been limping for about eighteen months but can walk straight now. * * * It was with great difficulty that I induced my wife, who is suffering from Rheumatism, and who has used every remedy on the market, to also try Mackie's Pure St. Tammany Pine Oil. I need not tell you that it gave her prompt relief, where many other so called remedies have failed. * * * My little girl was in a very critical condition with Bronchial Pneumonia and her life was despaired of. It was suggested that we try Mackie's Pure St. Tammany Pine Oil, which we did, by rubbing the upper part of her body briskly with the Oil and wrapping her in warm flannels. The next day she was entirely relieved. We feel sure that Pine Oil saved her life. * * * A year ago I was on the verge of nervous prostration, but due to conditions at that time was unable to take a rest of any sort, so started the massages with Pine Oil, and due to its wonderful effect on my nerves, I have been able to attend to my duties as usual during the entire year, working harder than ever before, at nerve wrecking speed and heavy responsibilities. I know the inhalations of Pine Oil have been of inestimable value to my general health, and particularly so to my nervous system. * * * I have used Mackie's Pine Oil on a broken arm that gets sore from heavy work, and it surely relieved me at once. * * * During the past year I have been using Mackie's Pine Oil in combination with common table salt, to massage a number of my patients, who are suffering from Nervous Ailments, and have had splendid results. * * * Mackie Pine Oil Co., Covington, La. Dear Mr. Mackie—I am writing you a few lines in praise of your wonderful Pine Oil. My husband was sick for one year with stomach trouble, could not eat anything but milk and wheat bread. Could not work any and spent all his earnings with doctors and medicine trying to get well, but didn't get any better. At last he took a very bad cold and sore throat. He purchased a bottle of your Pine Oil and commenced taking it about 15 drops three times a day internally. He took the risk upon himself as there was no direction on the bottle for taking it internally. In one week his cough and sore throat was well, and he began to notice his stomach was not so sore. He continued the use of the Pine Oil internally and before the bottle was gone his stomach was well. He is a well man today, can eat anything and it doesn't hurt him. He weighed 125 pounds when he began taking Pine Oil,

now his weight is 180. Others have taken it at his request and have been greatly benefited. He is never without a bottle in his pocket. Respectfully, (Signed) Name on Request. We cannot praise Pine Oil enough. It has been two years since he took the Pine Oil and his trouble has not returned."

On June 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18687. Misbranding of Sassafola. U. S. v. 6¾ Dozen Jars of Sassafola. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26339. I. S. No. 29898. S. No. 4651.)

Examination of samples of a drug product, known as Sassafola, showed that the jar label bore statements representing that the article possessed curative and therapeutic properties which it did not possess. Examination further showed that the product was not a preparation of sassafras oil as indicated by the name "Sassafola."

On May 7, 1931, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six and three-fourths dozen jars of the said Sassafola, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Sassafola Manufacturing Co., Elmira, N. Y., alleging that the article had been shipped from Elmira, N. Y., on or about January 2, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an ointment with a petrolatum base, containing methyl, salicylate, menthol, camphor, and eucalyptol. No sassafras oil was detected.

It was alleged in the libel that the article was misbranded in that the name of the article, "Sassafola," was false and misleading, since it indicated that the article was a preparation of sassafras oil, whereas it was not. Misbranding was alleged for the further reason that the following statements on the jar label regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For Catarrh, Quinsy * * * Canker, Cough, Sore Throat and Lungs, Croup, Pneumonia, Tonsillitis, Headache, Earache, Toothache, Rheumatism, Neuralgia, Polypus, Caked Breast, Hay Fever * * * Eczema, Salt Rheum * * * Piles, Sores, Etc. * * * For Catarrh * * * For Quinsy, Tonsillitis, Sore Throat and Lungs, Croup, Pneumonia Etc."

On May 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18688. Misbranding of Tuttle's family elixir. U. S. v. 1½ Dozen Bottles of Tuttle's Family Elixir. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26326. I. S. No. 29124. S. No. 4641.)

Examination of samples of the drug product, Tuttle's family elixir, having shown that the bottle and carton labels and the circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, also that the labeling failed to bear a statement of the quantity or proportion of alcohol contained in the article, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On May 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one and one-half dozen bottles of the said Tuttle's family elixir, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Tuttle's Elixir Co., Boston, Mass., on or about April 6, 1931, and had been transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of volatile oils including camphor and a coniferous oil, ammonia, ox gall, alcohol (29.8 per cent by volume), and water.

It was alleged in the libel that the article was misbranded in that the carton failed to bear a statement of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Lameness and Joint Affections * * * Recommended for Cholera Morbus, Diarrhoea, Lameness, Neuralgia, Toothache, Headache, Earache, Croup, Caked Breasts, Lamé Back, Pain in the Side, Corns, Bunions, Chilblains, Contracted Cords. Directions for Use;" (carton) "For Pains, Lameness, Stiff Joints, Sore Throat, * * * Etc.;" (circular) "Testimonials * * *

After suffering with inflammatory rheumatism till I was crooked and bent, with hands enlarged and fingers twisted out of shape, I know something of the intense pain and agony that dread disease inflicts. For the past three years I used crutches, and was unable to dress myself. Five different physicians tried their skill on me, and each decided I was incurable. I was simply in despair, and hoped for death as a relief from my misery. A friend advised me to try Tuttle's Elixir. I had used so much medicine that I hated to touch a bottle, but to my surprise I found that it relieved me within three days. The pain had subsided, and after the constant application of the Elixir for five weeks, the pain had left me entirely. I now walk without crutches, and can dress and care for myself. * * * for the instant relief and speedy cure for poisoning from the Gypsy and Brown Tail Moths. I tried many different preparations but received no benefit from any of them; but after applying your Elixir three times the irritation, itching and swelling was all gone and I will be pleased to tell anyone of my experience with your Elixir. * * * I have been sadly afflicted with rheumatism in my feet for several months, and suffered great pain, so much so, it was with great difficulty that I could walk. I consulted several physicians, and tried every remedy of which I could hear, but experienced very little, if any, relief and became quite discouraged. One day I chanced to meet a friend who recommended Tuttle's Elixir, and advised me to try it. I did so and have used three bottles of it. My pain and lameness is all gone, and feel that I am myself once more, and I heartily recommend Tuttle's Elixir to all who are afflicted with Rheumatism. * * * You asked me to write after using the Family Elixir on myself two weeks. In reply, it affords me much pleasure to inform you that I am much improved. I feel rejoiced in making such an improvement in so short a time, after spending hundreds of dollars for medical aid, besides being informed that my case was incurable. I am using the medicine both internally and externally, according to your directions. In short, I am beginning to feel natural, like I did in my boyhood days. * * * I had a very bad attack of rheumatism last August, and after using only one bottle of your Elixir I was immediately relieved. I can heartily recommend your remedy to any one suffering from rheumatism. * * * It affords me great pleasure to inform you that I have used your Elixir for rheumatism when I have been confined to my bed, unable to be moved, and suffered intense pain. After quite a period I was advised to try your Elixir for same, and called my doctor's attention to the fact. He said I might as well rub it on a post as to rub it on myself—the results would be the same. Nevertheless, I bought a bottle of it and in three days was able to be out, and I have now recommended it to my friends and neighbors who would not be without it in their houses. * * * I have been suffering for nearly fifteen years from neuralgia in the head, and have tried various medicines for same, but have always had no results to speak of as being good ones. Finally I tried your Elixir, and it affords me great pleasure to say that the benefit that I received from it was astonishing to me. I have used several bottles of it and am now entirely cured. * * *

Allow me to tell a big story in regard to your Elixir. When you told me the other day that if I would call and get a bottle and use it for one day, if I was not cured you would give me \$100. I thought to have some sport with you, but I will now testify very much to my surprise, that the rheumatism has all gone from my ankles, and I was able to walk as usual. I am sorry to lose the one hundred dollars, but glad to be well again. * * * I have been confined to my bed by rheumatism, and was unable to attend to my duties, which were to take charge of a department in the machine shop, and was likely to lose my situation through my absence. After two months' illness, I was advised by a friend to try your Elixir. I did so. It relieved me after the first application. I was able the next day to go out, and have never lost a day's work since, and

am now entirely well. * * * I have been a sufferer from rheumatics and all joint complaints for over fifteen years. My friends pitied me, for I had tried all the doctors around us, but could not find any relief. After my last attack I could not raise my head from my pillow without taking my hands to raise it. During the day I got so I could move about, and I met a friend who said: 'Robert, you do look bad. My mother's son, Lewis, had sent him some medicine from New York, and brother John died before it reached him. The directions say it is good for all complaints, and I am going to ask my sister-in-law to give me one of the bottles for you.' She did so. I then read your directions on the box, and tried it on going to bed that night, in which I found a great relief, and on the third day I was a different man. I then sent and bought the other three bottles, but have only used one more, making two bottles, and to-day I consider myself a well man. I also recommended it to all my friends around, and was forced to give the balance of the medicine to others who have been suffering, also, and who are quite well to-day. * * * my wife, who was suffering severely with rheumatism or neuralgia in her back and head, and was unable to sleep, and was getting in a bad state. From the first application by rubbing the pain began to leave, and she had a good sound sleep. Also a gargle of the Elixir relieved her of a sore throat. * * * Happening to see me one day, and noticing a big bunch or bunion on the first joint of the first finger of my right hand, caused by the long use of the blacksmith's hammer, your agent, Mr. John R. Lockwood, persuaded me to try your Elixir on it. This I was willing to do, as the bunion was sore and very troublesome, and getting more so; but I was surprised to find that one bottle removed the bun on entirely. * * * Gives Relief From Pain * * * For Pains, Lameness, Stiff Joints, Sore Throat, * * * Read these Testimonials Directions For Using * * * Lameness And Joint Affections: Rub the parts freely with the Elixir, * * * Take ten to twenty-five drops before each meal, * * * Sore Throat: Bathe the throat with full strength Elixir. Gargle often with a solution of the Elixir made by one part Elixir to six parts of water. * * * Cholera Morbus: * * * Caked Breasts: * * * Lame Back: * * * Asthma: * * * Croup: * * * Sick Headache: * * * Coughs: * * * An Ordinary Headache: * * * For seventeen years I experimented continuously with doctors and remedies in a vain attempt to find something which would relieve the pains in my chest, which tortured me day and night. At the end of that time I tried your Elixir. The very first application by means of hot flannel cloths, gave me my first real relief. Since then I have used it with increasing benefit and satisfaction * * * recommended * * * The gout came on very suddenly while at business. I met a friend who recommended Tuttle's Elixir, and I bought a bottle, and after using it for three days I was back in the city, ready for business again. * * * I wish to add my testimonial to your list, in commendation of your Family Elixir for rheumatism. I was so badly off that I feared being a cripple. My limbs and joints were badly swollen, and very painful and it was with difficulty that I could get about, when Mr. Barrows of Jamaica * * * asked me to accept and try a bottle of your Family Elixir. I tried it according to directions for three days, and at the end of that time there was such improvement that I was amazed. I have only used about two-thirds of a bottle, and am entirely rid of pain and lameness. * * * My wife had the rheumatism so badly that she could hardly walk around the floor, and my daughter advised me to get a bottle of Tuttle's Family Elixir, which I did. I used it according to directions, and she got relief almost immediately. In a week or ten days the rheumatism had wholly disappeared, and I consider it one of the best household remedies which is on the market. * * * What it has done for others it will do for you. * * * Tuttle's Elixir has proved very beneficial to members of my family in cases of colic and indigestion. Also to apply externally for lameness and neuralgia. I can recommend it highly. * * * I had a very severe attack of inflammatory rheumatism about four months ago, and was under best medical attendance for over a month, but I did not seem to get any relief. Having used three bottles of Tuttle's Family Elixir, I received not only relief, but believe I am permanently cured. * * * I have suffered with neuralgia for years, and I could find nothing to relieve me. The powerful applications I used even caused my hair to fall out on both sides. I was advised to use your Elixir, which I did, and to my great surprise it not only stopped the pain, but has also caused the hair to grow again. * * * I had an attack of rheumatism last June. Could not get out of bed. It was in my knee joints. I used your Elixir and was cured in six days. Have not had an attack since. Also, has proved a valuable remedy for swollen joints and chilblains."

On June 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18689. Misbranding of Dr. Ward's Liniment. U. S. v. Forty-two 2-Ounce Bottles, et al., of Dr. Ward's Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25598, 25599. I. S. Nos. 11664, 11669. S. Nos. 3808, 3818.)

Examination of samples of the drug product, Dr. Ward's liniment, having shown that the bottle and carton labels and the accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the interstate shipments herein described involving quantities of the product at San Francisco, Calif.

On January 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one hundred and two 2-ounce bottles, one hundred and fifty-six 4-ounce bottles, and twenty-four 12-ounce bottles of the said Dr. Ward's liniment, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Dr. Ward's Medical Co., from Winona, Minn., in various consignments on or about April 7, May 12, June 3, and October 7, 1930, and had been transported from the State of Minnesota into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs, including capsicum and sassafras, small proportions of volatile oils including camphor, soap, alcohol and water, colored red.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Used as an antidote for Alkali Water, for excessive thirst, and for all troubles emanating from changing and drinking bad water; also for troubles caused by eating unripe fruit and for all poisons emanating from decay and putrefaction [similar statements in foreign languages];" (carton and bottle labels) "For Internal Use in Cases of Cholera Morbus, Diarrhoea, Dysentery, Ordinary Colic, Chills and Ague, Ordinary Sore Throat, * * * etc. For External Use in Cases of * * * Swellings, Chilblains, * * * Muscular Rheumatism, etc. * * * Sweeny and Colic (similar statements in foreign languages)."

On July 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18690. Adulteration and misbranding of Ozojell. U. S. v. 21 Packages of Ozojell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26356. I. S. No. 5773. S. No. 4664.)

Examination of samples of the drug product Ozojell showed that the article was represented to be an antiseptic and germicide, whereas it was not, also that it was labeled as possessing curative and therapeutic properties which it did not possess.

On May 19, 1931, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 packages of the said Ozojell, alleging that the article had been shipped by Yglesias & Co. (Inc.), New York, N. Y., on or about November 28, 1930, to Porto Rico, and was being sold and offered for sale in Porto Rico by the Drug Co. of Porto Rico (Inc.), San Juan, P. R., and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an ointment with a lanolin and lard base, containing menthol, chlorbutanol, salol, and volatile oils including cinnamon oil and bitter almond oil. Bacteriological examination showed that the article was incapable

either of killing or of preventing the growth of common pathogenic microorganisms such as *Staphylococcus aureus*.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standards of "Antiseptico" and "Germicida" under which it was sold.

Misbranding was alleged for the reason that the following statements, appearing in Spanish on the tube label and in the circular, were false and misleading: (Tube) "Antiseptico, Germicida;" (circular) "Antiseptic." Misbranding was alleged for the further reason that the following statements appearing in Spanish in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tube Label) "For Nasal catarrh * * * also cures catarrhal deafness and noise in the ears;" (circular) "Ozوجل for nasal catarrh * * * nasal deafness, noise in the ears, and all catarrhal affections of the head, nose and throat * * * Nasal Catarrh—Its Causes and Symptoms: The nose fulfills three important functions: first, it is the smelling organ; second, it is the channel through which we breathe; and third, it gives character and sonority to the voice. When a cold is contracted the mucous membrane of the nose becomes inflamed and the adjoining veins become congested, and the mucous secretion increases according to the severeness of the attack. The mucus is in reality a certain watery element of the blood filtered between the veins that are found adjoining the mucous membrane. The cover of the mucous membrane of the nasal cavities is united to that which covers the throat and bronchial tubes. The air we breathe passes through the lower or direct nasal canal. It is warmed and moistened while passing, therefore, it enters into the lungs at a temperature equal to that of the body, not causing the least irritation or inflammation to the bronchial tubes and lungs. When the mucous membrane of the nose becomes inflamed because of a cold and impedes the free entrance of the air through the nasal cavities, the patient is therefore obliged to breathe through the mouth, then, the air deprived of its characteristic warmth and humidity, enters the lungs as a sudden gush of dry and cold air, giving way to bronchial and pulmonary affections. The germs of tuberculosis never enter the lungs through the nose but through the mouth. We should always breathe through the nose and not through the mouth. The smelling sense is also an important protector against disease. It allows us to detect any kind of decomposition in our food and beverages, and also to distinguish between pure and impure air. All the organs of the respiratory tract are susceptible to catarrhal attacks, but these attacks are secondary to the nasal catarrh; this disease always has its origin in the nasal cavities and gradually extends itself to other parts of the respiratory system by means of the mucous membrane. The nasal catarrh begins with a cold. The membrane becomes inflamed as well as the canal becomes narrower or closes up completely, thus resulting in difficult breathing. Because there is no sufficient quantity of air in the throat to expell the mucus through the nose, a large quantity of it enters the throat thus falling drop by drop into the larynx, pharynx and bronchial tubes, finally producing an irritation in the lungs. Treatment and Cure: After having spent many years in the study of nasal catarrh, we have been able to manufacture a preparation that with all certainty will cure over ninety-five per cent of cases of nasal catarrh, whenever our preparation is used in accordance with the instructions given. To this marvelous preparation, which is a fragrant antiseptic disinfectant, germicide and powerful jelly, we have given the name of 'Ozوجل.' Ozوجل with all certainty enters into the mucous membrane and the tissues that are always affected seriously in all catarrhal conditions, alleviating the inflammation and curing the catarrh, acute or chronic. When the inflammation reaches the superior region of the throat, Ozوجل should be applied on top of the nasal cavities, the chin should be raised a little bit and the head should be dropped back as far as possible in order that Ozوجل when it melts should pass by gravity to the throat and bronchial tubes. By this means the remedy will reach all the affected parts. * * * When Ozوجل is applied as indicated, it will come in contact with the eustachian tube where the posterior parts of the nasal passages enter and will alleviate the congestion that may exist in them, thus removing any noise in the ears and will cure what is known under the name of 'Catarrhal Deafness' * * * Ozوجل promptly relieves the dryness that is left, restores the proper execution of its normal functions. * * * Ozوجل is a sure preparation to alleviate and cure nasal catarrh, * * * catarrhal deafness, noise in the ears and all catarrhal affections of the nose,

head and throat. It clears the head, nose and throat thus assuring a free breathing through the nose, which is the natural thing. The nose filters the air we breathe and impedes the dust and microbes from entering into the lungs; that is why Ozojell is necessary to prevent pulmonary affections. For earache, a melted drop of Ozojell is necessary to prevent pulmonary affections. For earache, a melted drop of Ozojell will produce prompt alleviation. Place a little bit of Ozojell on top of each nasal cavity and stop all catarrhal affections."

On June 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18691. Adulteration and misbranding of fluid extract of ginger. U. S. v. 23¼ Gross Bottles of Fluid Extract of Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26297. I. S. Nos. 13110, 13111. S. No. 4627.)

All samples of the product herein described, which was represented to be fluid extract of ginger conforming to the requirements of the United States Pharmacopoeia, were found to consist of alcoholic liquids containing a relatively small proportion of material derived from ginger, a fatty oil or oils, coal-tar dye; and certain samples also contained cresol phosphate. The article, therefore, was not a pharmacopoeial product.

On April 29, 1931, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23¼ gross bottles of fluid extract of ginger at Los Angeles, Calif., alleging that the article had been repacked by the California Extract Co., from material shipped to them by Jordan Bros., as follows: 3 barrels from Brooklyn, N. Y., on or about December 24, 1930; 2 barrels from Brooklyn, N. Y., on or about January 2, 1931; and 2 barrels from Weehawken, N. J., on or about December 4, 1930. The libel further alleged that the article had been invoiced by the said Jordan Bros. as "Fluid Extract Ginger U. S. P.," and that it was adulterated and misbranded in violation of the food and drugs act. The bottles containing the article were labeled in part: "2 Fluid Ounces Superior Fluid Extract Ginger, U. S. P."

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the name of another article.

On June 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18692. Adulteration and misbranding of ether. U. S. v. 180 Cans of Ether. Default decree of condemnation and forfeiture. Product ordered destroyed or delivered to Federal agency. (F. & D. No. 26358. I. S. Nos. 28357, 28358. S. No. 4685.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On May 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one hundred and eighty 1-pound cans of ether, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Rossville Commercial Alcohol Corporation, from Mechanicsville, N. Y., on or about April 21, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P. X."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label. Adulteration was alleged for the further

reason that the strength and purity of the article fell below the professed standard under which it was sold, namely "Ether U. S. P. X."

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P. X," was false and misleading.

On June 9, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. The decree further ordered that the product be destroyed or, in lieu thereof, that it be released to this department if such delivery be duly requested.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18693. Misbranding of Dr. Link's Golden tonic. U. S. v. 21 Bottles of Dr. Link's Golden Tonic. No claim entered. Verdict for the Government. Decree of condemnation and destruction. (F. & D. No. 26357. I. S. No. 18476. S. No. 4674.)

Examination of the drug product, Dr. Link's Golden tonic, from the shipment herein described having shown that the carton and bottle labels and the circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Louisiana.

On May 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 bottles of Dr. Link's Golden tonic, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped by the Dr. Link Medicine Co., Dallas, Tex., on or about November 20, 1930, and had been transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt, potassium citrate, ferric sulphate, nitric acid, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottles and in the accompanying circular, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle) "Recommended for * * * Indigestion, Biliousness, Kidney and Blood;" (circular) "Recommended as a treatment for Indigestion, Biliousness * * * For Indigestion and Biliousness * * * For Malaria."

On June 5, 1931, no claimant having appeared for the property, and a jury having found that the allegations of the libel were true and correct, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18694. Adulteration and misbranding of ether. U. S. v. 15 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26288. I. S. No. 29883. S. No. 4600.)

A sample of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On April 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cans of ether, remaining in the original unbroken packages at Harrisburg, Pa., alleging that the article had been shipped by the New York Quinine & Chemical Works (Inc.), from New York, N. Y., on or about February 24, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statement on the can label, "Ether U. S. P.," was false and misleading when applied to ether falling below the United States Pharmacopoeial standard, in that it contained peroxide.

On June 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18695. Adulteration and misbranding of Lignol ointment. U. S. v. 6 Packages of Lignol Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26360. I. S. No. 16021. S. No. 4662.)

Examination of the drug product Lignol ointment from the shipments herein described having shown that the article was represented to be antiseptic, whereas it was not, also that the labeling bore statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On May 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 6 packages of Lignol ointment, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Girard Pharmacal Co., from Philadelphia, Pa., in part on or about December 15, 1930, and in part on or about January 23, 1931, and had been transported from the State of Pennsylvania into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum and a tarry oil. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard of "Antiseptic," under which it was sold.

Misbranding was alleged for the reason that the following statements appearing in the labeling of the article were false and misleading: (Carton) "An antiseptic ointment;" (circular) "Lignol has been found to produce results in cases requiring a germicide equal to a 1-1000 solution of Bichloride of Mercury, or a 1-20 solution of Carbolic Acid, while at the same time it will not irritate or harden the tissues, cause vesication or eschar, and is absolutely non-poisonous. To quote one of the world's greatest chemists, 'Lignol is a natural combination so formed as to be impossible of successful synthetic imitation.' From the foregoing the great value of Lignol Ointment can be appreciated." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Can) "Ointment for the treatment of all forms of skin diseases, Eczema, * * * Hemorrhoids, Cuts * * * Erysipelas, Etc.;" (carton) "Ointment for the treatment of all forms of skin diseases, Eczema * * * Acne, Hemorrhoids, Cuts, * * * Erysipelas, etc.;" (circular) "It has a wonderful influence in all forms of skin diseases * * * is exceedingly efficacious in * * * inflammations, eruptions of the skin and mucous membrane. It is likewise recommended in the treatment of * * * boils * * * burns * * * carbuncles, cuts * * * eczema, scabies, erysipelas, vulvitis, etc., etc. Felons, fissures * * * hemorrhoids, pimples, pruritis ani or vulvae * * * psoriasis, seborrhoea, ulcers and other suppurative conditions."

On June 18, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18696. Misbranding of Cerevisine tablets. U. S. v. 11 Bottles of Cerevisine Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26355. I. S. No. 28594. S. No. 4673.)

Examination of the product Cerevisine tablets having shown that it would not produce certain curative and therapeutic effects claimed for it in the labeling, the Secretary of Agriculture reported to the United States attorney for the District of Massachusetts the interstate shipment herein described, involving a quantity of the product located at Boston, Mass.

On May 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 bottles of the said Cerevisine tablets, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by E. Fougere & Co., from New York, N. Y., on or about March 10, 1931, and

had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of dried yeast.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For Treatment of * * * Diabetes;" (wrapper) "Internally for treatment of Diabetes;" (circular) "One enthusiastic advertiser recommends yeast as a tooth paste, and according to magazine articles, yeast is a panacea for 'mal-nutrition' since its vitamine contents 'complete the diet,' 'restores weaklings to robust health' and 'weak puny children become giants.' Such suggestive catch words impressed on the minds of patients make them expect that their medical attendants will recommend this 'concentrated nutrition' in some form. * * * General Indications * * * Yeast has also been recommended in: Eczema, Lymphatic enlargements, and even in Arthritis Deformans."

On June 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18697. Misbranding of McConnon's poultry compound. U. S. v. 51 Dozen Packages of McConnon's Poultry Compound. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26345. I. S. No. 26511. S. No. 4672.)

The labeling of the drug product McConnon's poultry compound bore statements representing that the article possessed curative and therapeutic properties, which examination showed it did not possess.

On May 9, 1931, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 51 dozen packages of the said McConnon's poultry compound at Memphis, Tenn., alleging that the article had been shipped by McConnon & Co., from Winona, Minn., on or about March 28, 1931, and had been transported from the State of Minnesota into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of powdered limestone, iron oxide, charcoal, and ground plant material including anise and capsicum.

It was alleged in the libel that the article was misbranded in that the following statements on the package label, "To Make Hens Lay * * * Assists in * * * Egg Production," were false and misleading, since the said statements represented that the article contained ingredients or a combination of ingredients capable of producing the effects claimed, whereas it did not. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the package label, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "To ward off disease in Poultry and Build up Fowls that are run down and white combed * * * and in keeping Poultry Healthy."

On September 2, 1931, McConnon & Co., Winona, Minn., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department, and should not be sold or otherwise disposed of contrary to the Federal food and drugs act, and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18698. Misbranding of Lignol soap. U. S. v. 17 Bars of Lignol Soap. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26363. I. S. No. 16062. S. No. 4662.)

Examination of samples of Lignol soap from the shipment herein described having shown that the article was represented to be antiseptic and germicidal, whereas it was not, also that the labeling represented that it possessed curative

and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On May 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 bars of Lignol soap, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Girard Pharmacal Co., from Philadelphia, Pa., on or about February 21, 1931, and had been transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of soap, containing a tarry oil. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it fell below the professed standard of "antiseptic" and "germicide" under which it was sold.

Misbranding was alleged for the reason that the following statements appearing in the circular accompanying the said article were false and misleading: "Is an antiseptic * * * soap * * * Lignol Soap contains 5 per cent pure Lignol. The latter is one of the most powerful antiseptics, possessing no caustic or poisonous qualities even when administered internally * * * It is a fact that Lignol Soap is antiseptic and germicide." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Nature's Skin Purifier * * * That its antiseptic and curative qualities are carried through the skin to the deep tissues * * * That it is pre-eminently the Soap for use in the treatment of skin diseases * * * For the teeth * * * destroying the germs which cause decay * * * is useful in conditions such as * * * Inflammations, Erysipelas, Eczema, Pimples * * * Dandruff * * * Ulcers, Scrofula, Hemorrhoids, Diseases of Women, Pruritis;" (imprint on bar of soap) "Cures & Prevents Skin Diseases;" (carton) "Value to both healthy and diseased skin * * * it is invaluable for dandruff, it stimulates the growth of the hair."

On June 18, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18699. Misbranding of Wiley's palatable preparation of the extract of cod-liver oil with malt and hypophosphites. U. S. v. 92 Bottles of Wiley's * * * Extract of Cod-Liver Oil with Malt and Hypophosphites. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26310. I. S. No. 29781. S. No. 4556.)

Examination of the drug product herein described having shown that the carton and bottle labels contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On May 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 92 bottles of Wiley's palatable preparation of the alcoholic extract of cod-liver oil with malt and hypophosphites, remaining in the original unbroken packages at Trenton, N. J., alleging that the article had been shipped by Hance Bros., & White (Inc.), Philadelphia, Pa., on or about April 17, 1931, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs, compounds of phosphorus, iron, manganese, calcium, potassium, quinine, and strychnine, alcohol (11.6 per cent by volume), glycerin, sugar, and water. Biological examination showed that the article did not contain the characteristic cod-liver oil vitamins.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Indicated in General Debility, Nervous Prostration,

Phthisis, Tuberculosis, Emaciation, Scrofula, Winter Cough and Bronchitis * * * tissue-nutrient and reconstructive remedy * * * General Debility, Nervous Prostration, Neurasthenia, Anemia, Chlorosis, Nervous Dyspepsia, Hysteria, Chronic Cough, Consumption, Chronic Bronchitis, Scrofula and other chronic diseases requiring building-up treatment. * * * For restoring tone and vigor to the entire system;" (bottle) "Indicated in General Debility, Nervous Prostration, Phthisis, Tuberculosis, Emaciation, Scrofula, Winter Cough and Bronchitis."

On June 3, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18700. Misbranding of Girard uterine tonic. U. S. v. 4 Bottles of Girard Uterine Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26362. I. S. No. 16023. S. No. 4662.)

Examination of the drug product Girard uterine tonic from the shipment herein described having shown that the label contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On May 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four bottles of Girard uterine tonic, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Girard Pharmacal Co., from Philadelphia, Pa., on or about January 23, 1931, and had been transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained ground plant drugs and extracts of plant drugs including alkaloidal material.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article appearing on the label, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Uterine Tonic * * * A vegetable combination for immediate and permanent relief in cases of dysmenorrhoea, menorrhagia, amenorrhoea, hysteria, metrorrhagia, insomnia, etc. Dose: in acute conditions two every half hour for four to six doses unless previously relieved."

On June 18, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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